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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

आयकर महानिदेशक (छूट) का कार्यालय

कलकत्ता, 14 जनवरी, 1998

आयकर

का.प्रा. 1025.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) वह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये

प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रौद्योगिक भवन” न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परिक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके सेवाधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परिक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

कै. के. बिरला एकाडेमी, सूर्या किरण बिल्डिंग, (5वीं मंजिल), 19, कस्तूरबा गांधी मार्ग, नई दिल्ली-110001

यह अधिसूचना दिनांक 1-4-97 से 31-3-99 तक की अवधि के लिये प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियाँ अनुमोदन की अवधि बढ़ाने के लिये सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1767(एफ. सं.म.नि./आ.क.  
(छूट)/एन.डी.-52/35(1)(ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर(छूट)

MINISTRY OF FINANCE

(Department of Revenue)

OFFICE OF THE DIRECTOR GENERAL OF INCOME  
TAX (EXEMPTIONS)

Calcutta the 14th January, 1998

INCOME TAX

S.O 1025.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub section (1) of section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

K. K. Birla Academy,  
Surya Kiran Building,  
(5th floor),  
19, Kasturba Gandhi Marg,  
New Delhi-110001.

This Notification is effective for the period from 1-4-97 to 31-3-99.

Notes :

- (1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1767/F. No. DG/IT(E)/ND 52/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax  
(Exemptions)

कलकत्ता, 30 जनवरी, 1998

आयकर

का.आ. 1026—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहिया रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन," न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक, (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : एफ. आई.ए. एम.सी. बायो-मैडिकल  
एथीक्स सेंटर, सेंट पाईस कॉलेज ऐरी  
रोड, मुम्बई-63

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिये प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन-पत्र की

विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिये सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1768/एफ.सं. म. नि./आ. क. (छूट)/एम-11/  
कल./ 35(1)(ii)-90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 30th January, 1998

### INCOME TAX

S.O. 1026.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the—(a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

### NAME OF THE ORGANISATION

F.I.A.M.C. Bio-Medical Ethics Centre,

St. Pius College, Aarey Rd., Mumbai-63.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

### Notes :

- (1) Condition (1) above will not apply to organisation categorised as associations.
- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemption), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary Department for Scientific and Industrial Research.

[No. 1768/F. No. DG/IT(E) 'M-11/Cal[35(1)(ii)]90-91]  
MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 30 जनवरी, 1998

### आयकर

का.आ.1027.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है :—

(1) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहियां रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष की 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन," न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : डा. बाबा साहेब अम्बेडकर मेडिकल रिसर्च सोसाइटी सिन्धुटीयर, भाग्या नगर, औरंगाबाद-421001

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिये प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सूत्राव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करे, अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन-पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिये सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1769/एफ.सं. म. नि./आ. क. (छूट)/  
एम.-178/कल./35(1)(ii)/90-91]  
मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 30th January, 1998

## INCOME TAX

S.O. 1027.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

## NAME OF THE ORGANISATION

Dr. Babasaheb Ambedkar Medical Research Society, Sindhuteer, Bhagyanagar, Aurangabad-421001.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

## Notes :

- (1) Condition (1) above will not apply to organisations categorised as associations.
- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary Department for Scientific and Industrial Research.

[No. 1769/F. No. DG/IT(E)/M-178/Cal]35(1)(ii)/90-91]  
MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 30 जनवरी, 1998

आयकर

का.आ. 1028.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहियां रखेगा ।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान-विभाग, 'प्रौद्योगिक भवन', न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर, तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम : डी बम्बे टैक्सटाईल रिसर्च एसोसिएशन,  
लाल बहादुर शास्त्री मार्ग, घाट कोपोर  
(वैस्ट) मुम्बई-400086

यह अधिसूचना दिनांक 1-4-96 से 31-3-99 तक की अवधि के लिये प्रभावी है ।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिये लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट) कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन-पत्र की प्रति विभाग को प्रस्तुत करना है । उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिये सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है ।

[संख्या : 1770/(एफ.सं. म.नि./आ.क. (छूट)/  
एम-79/कल/35(1)(ii)/90-91]  
मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 30th January, 1998

## INCOME TAX

S.O. 1028.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and

- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

#### NAME OF THE ORGANISATION

The Bombay Textile Research Association,  
1st Bahadur Shastri Marg, Ghatkopar (West)  
Bombay-400086.

This Notification is effective for the period from 1-4-96 to 31-3-99.

#### Notes :

- (1) Condition (1) above will not apply to organisations categorised as associations.
- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1770/F. No. DG/IT(E)/M-79/Cal/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 30 जनवरी, 1998

#### आयकर

का.आ. 1029.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (2) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन," "न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : नवरोजी गोदरेज सेंटर फोर प्लानेट रिसर्च  
फिरोजसाहू नगर, एल.बी.एस. मार्ग, भिकरोली,  
बम्बे-400079

यह अधिसूचना दिनांक 1-4-97 से 31-3-98 तक की अवधि के लिये प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट) कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन-पत्र की प्रति विभाग को प्रस्तुत करना है। उक्त आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिये सीधा सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1771/एफ. सं.म.नि./आ.क. (छूट)/  
एम.-153/कल./35(1)(ii)/90-91]  
मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 30th January, 1998

#### INCOME-TAX

S.O. 1029.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

#### NAME OF THE ORGANISATION

Naoroji Godrej Centre for Planet Research  
Pirojshanagar, LBS Marg, Vikhroli,  
Bombay-400079.

This Notification is effective for the period from 1-4-97 to 31-3-98.

Notes :

- (1) Condition (1) above will not apply to organisation categorised as associations.
- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1771/F. No. DG/IT(E)/M-153/Cal/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 30 जनवरी, 1998

आयकर

का.आ. 1030.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड III के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "औद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली 110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम सेंटर फॉर एप्लाइड सिस्टम्स एनालाईसिस इन डेवलपमेंट, डी. 5/8, सालुनके विहार, कोन्दावा, पूना 411048

यह अधिसूचना दिनांक 1-4-96 से 31-3-99 तक की अवधि के लिये प्रभावी है।

टिप्पणी : (1) उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए

आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करे, अनुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन पत्र की विभाग को प्रस्तुत करना है। उक्त आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिये सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1772/एफ. सं.म.नि./आ.क. (छूट)/एम.  
54/35 (1) (iii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 30th January, 1998

#### INCOME-TAX

S.O. 1030.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Moharauli Road, New Delhi-110016 for every financial year by 31st May of each year; &
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemption), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

#### NAME OF THE ORGANISATION

Centre for Applied Systems Analysis in Development,  
D5/8, Salunke Vihar, Kondhawa,  
Pune-411048.

This Notification is effective for the period from 1-4-96 to 31-3-99.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemption) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1772/F. No. DG/IT(E)/M-54/35(1)(iii)/90-91]

MUKESH KUMAR, Addl. Director of Income-Tax (Exemptions)

कलकत्ता, 30 जनवरी, 1998

आयकर

का.आ. 1031.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, 'प्रौद्योगिकी भवन' न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा; और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

स्वामी रमानन्द तीर्थ इंस्टीट्यूट ऑफ सोसियो-एकनोमिक रिसर्च एंड नेशनल एंटीगेशन, 1-10-342, ब्रह्माणवादी, बेगुमपेट, हैदराबाद-500016।

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा पदार्ग के लिए लागू नहीं होगा।

2. संगठन को सूझा दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में लिए आवेदनपत्र की प्रतियां प्रस्तुत करना है। उस आवेदनपत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा

सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1773/एफ. सं. म. नि./आ.क. (छूट) ए.पी.-  
21/कल. 35(1) (iii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 30th January, 1998

INCOME-TAX

S.O. 1031.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Swami Ramanand Teerth Institute of Socio-Economic Research & National Integration, 1-10-342, Brahmanwadi, Begumpet, Hyderabad-500016.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Notes.—(1) Condition (1) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1773/F. No. DG/IT(E)/AP-21/CAI/35(1)(iii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 30 जनवरी, 1998

आयकर

का.आ. 1032.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

दी इंस्टीच्यूट आफ कम्पनी सेक्रेटरीस आफ इंडिया, आई.सी.एस.आई. हास, 22, इंस्टीच्यूटनल एरिया, लोदी रोड, नई दिल्ली-110003

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संघ" जैसा सर्वग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की प्रति विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1774/एफ. सं. म नि./आ.क. (छूट)/एन डी. 14/कल./35(1) (iii)/90-91]

मुकेश कुमार अपर, निदेशक आयकर (छूट)

Calcutta, the 30th January 1998

INCOME-TAX

S.O. 1032.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) for sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology

Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

The Institute of Company Secretaries, of India, ICSI House, 22, Institutional area, Lodhi Road, New Delhi-110003.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Notes.—(1) Condition (1) above will not apply to organisations categorised as associations

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemption) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1774/F. No. DG/IT(E)/ND-14/CAL/35(1)(iii)/90-91]

MUKESH KUMAR, Addl. Director of Income-Tax (Exemptions)

कलकत्ता, 30 जनवरी, 1998

आयकर

का.आ. 1033.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा-बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई



रिमर्क किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

इंस्टीट्यूट फोर टेक्नो एकोनोमिक स्टडीजस, 76 हरिंगटन रोड, चेटपेट, मद्रास-600031।

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त, आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन को अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1775 / एफ. स. म. नि./आ. क. (छूट)/टी एन-44/कल. /35(1) (iii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 30th January, 1998

#### INCOME-TAX

S.O. 1033.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions:

- (i) The organisation will maintain separate book of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemption), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

#### NAME OF THE ORGANISATION

Institute for Techno Economic Studies,

Harrington Road, Chetpet,

Madras-600031.

Notification is effective for the period from 1-4-95 to

Notes:

- (1) Condition (1) above will not apply to organisations categorised as associations.
- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1775/F. No. DG/IT(E)/TN-44/CAI/35(1)(iii)590-91]

MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 30 जनवरी, 1998

आयकर

का. आ. 1034 :—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक भवन, न्यू मेहरौली रोड, नई दिल्ली—110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्तूबर तक लेखा-परिक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिमर्क किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

ओरोबिले फाउण्डेशन, भारत निवास,

ओरोबिले, पोण्डीचेरी—605101

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक, एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1776 / एफ. सं. म. नि./आ. क. / (छूट) / टी. एन. -- 53/35 (1) (iii) / 90--91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 30th January, 1998

#### INCOME-TAX

S.O. 1034.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- The organisation will maintain separate book of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- It will submit to that (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

#### NAME OF THE ORGANISATION

Auroville Foundation,  
Bharat Nivas,  
Auroville,  
Pondicherry-605101.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

#### Notes:

- Condition (i) above will not apply to organisations categorised as associations.
- The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

INo. 1776/F. No. DG/IT(E)/TN-53/35(1)(iii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 12 फरवरी, 1998

आयकर

का. आ. 1035 :—सर्वसाधारण को एतराग सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है:—

- (1) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली 110016 को भेजेगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिस्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

#### संगठन का नाम

डा. जीवराज मेहता स्मारक हेल्थ फाउण्डेशन अरोव्याधाम,  
डा. जीवराज मेहता मार्ग, अहमदाबाद—380007

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र को विभाग को प्रस्तुत करना है। उस आवेदन पत्र छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1777 / एफ. सं. म. नि./आ. क. (जी. - 4/कल. / 35 (1) (ii) / 90-91]

मुकेश कुमार, अपर निदेशक आयकर (

Calcutta, the 12th February, 1998

## INCOME-TAX

S.O. 1035.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain separate book of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May each year; and
- (iii) It will submit to that (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

## NAME OF THE ORGANISATION

Dr. Jivraj Mehta Sniarak Health Foundation  
Arogyadham, Dr. Jivraj Mehta Marg,  
Ahmedabad-380007.

This Notification is effective for the period from 1-4-97 to 31-3 2000.

## Notes:

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1777/F. No. DG/IT(E)/G-4/CAL/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax  
(Exemptions)

कलकत्ता, 18 फरवरी, 1998

## आयकर

का आ 1036—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के वर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के

लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन", न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति '(क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

## संगठन का नाम

डालमिया इंस्टीच्यूट ऑफ सैटीफिक एंड इंडस्ट्रीयल रिसर्च पोस्ट बाक्स नं. 2, राजगंगपुर-770017, डिस्ट-मुम्बरागढ़, उड़ीसा।

यह अधिसूचना दिनांक 1-4-97 से 31-3 2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संव" जैसा वर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट) कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1778 : /एफ०सं०म०नि०/आ०क० (छूट)/ओ०-1/  
कल /35/(i) (ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)  
Calcutta, the 18th February, 1998

## INCOME-TAX

S.O. 1036.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain separate book of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Dalmia Institute of Scientific and Industrial Research, Post Box No. 2, Rajgangpur-770017, Dist. Sundargarh, Orissa.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Notes :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1778/F. No. DG/IT(E)/O-1/CAL/35(1)(iii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 19 फरवरी, 1998

आयकर

का० आ० 1037:—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संघर्ष के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहीयां रखेगा ।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम 1961 की धारा 35(i) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

इंडियन इंस्टीट्यूट ऑफ हेल्थ मैनेजमेंट रिसर्च,  
1, प्रभु दयाल मार्ग, संगनर एयरपोर्ट, जयपुर-302011

यह अधिसूचना दिनांक 1-4-96 से 31-3-99 तक की अवधि के लिए प्रभावी है ।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संघर्ष के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है ।

[संख्या : 1779 :/ए.फ० सं० म० नि०/आ०क० (छूट)/आर०-4/कल०, 35(1) (ii), 90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 19th February, 1998

INCOME-TAX

S.O. 1037.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate book of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Indian Institute of Health Management Research,  
1, Prabhu Dayal Marg, Sangner Airport,  
Jaipur-302011.

This Notification is effective for the period from 1-4-96 to 31-3-99.

Notes :

1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) have jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1779/F. No. DG/IT(E)/R-4/CAL/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income-tax (Exemptions)

कलकत्ता, 19 फरवरी, 1998

आयकर

का०आ० 1038.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बर्हिया रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिमाब को भी प्रस्तुत करेगा संगठन का नाम

एसोसियसन फोर रिसर्च इन होमियोपैथी, 1, आर्या दुर्गा सोसाइटी, नवघर रोड, मुम्बई-400081

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपयुक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोद की अवधि बढ़ाने के लिए आयकर आयुक्त, आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों

में आवेदन करें, अनुमोद की अवधि बढ़ाने के संबंध में किए आवेदन पत्र को विभाग को प्रस्तुत करना है। उस आवेदन पत्र छः प्रतियां अनुमोद की अवधि बढ़ाने के लिए सहा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1780 / एफ० सं० म०नि०/आ०क०(छूट)/एम०-179/35(1)(ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 19th February, 1998

### INCOME TAX

S.O. 1038.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of Sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate book of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

### NAME OF THE ORGANISATION

Association for Research in Homoeopathy,  
1, Arya Durga Society, Navghar Road,  
Mumbai-400081.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Notes. 1.—Condition (1) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1780/F. No. DG/IT(E)/M-179/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 19 फरवरी, 1998

आयकर

का०आ० 1039.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (i) के

लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :-

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, न्यू महरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त, आयुक्त महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमर्च किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

हीराबाई कोवासजी जहांगीर मेडिकल रिसर्च इंस्टीट्यूट  
32, सेशन रोड, पूना-411001

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त, आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र छः प्रतियों अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1781/(एफ० सं० म० नि०, आ०क० (छूट), एम० 184, 35 (1) (ii), 90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 19th February, 1998

#### INCOME TAX

S.O. 1039.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax rules, for the purposes of clause (ii) of Sub-section (1) of

section 35 of the Income-tax Act, 1961 under the category "institution" subject to the following conditions :

- (i) The organisation will maintain separate book of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road New Delhi-110016 for every financial year by 31st May of each year; &
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

#### NAME OF THE ORGANISATION

Hirabai Gomasji Jehangir,  
Medical Research Institute,  
32, Sasson Road, Pune-411001.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Notes. 1.—Condition (1) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1781 (F. No. DG/IT(E)/M-184/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 19 फरवरी, 1998

#### आयकर

का०आ० 1040—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :-

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, न्यू महरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग)

(a) IFCI Bonds (XVII Series) bearing distinctive numbers from 1700001 to 1705050 allotted on 15-10-97, 30-11-97 and 22-11-97;

(b) IFCI Bonds (XIX Series) bearing distinctive numbers from 1900001 to 1902000 allotted on 25-1-98; and

(c) IFCI Bonds (XXI Series) bearing distinctive numbers from 2100001 to 2103500 allotted on 25-3-98

aggregating to rupees one hundred five crores fifty lakhs only, by the said Corporation.

[No. 19/98-STAMPS-F. No. 15/12/98-ST]

S. KUMAR, Under Secy.

आदेश

नई दिल्ली, 5 मई, 1998

स्टाम्प

का.आ. 1042.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार पत्रद्वारा दि इण्डस्ट्रियल फाइनेंस कॉर्पोरेशन आफ इंडिया लिमिटेड, नई दिल्ली को, केवल दो करोड़ छपन लाख सैंतीस हजार रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त निगम द्वारा 30-9-97 को आबंटित केवल दो सौ छपन करोड़ सैंतीस लाख रुपए के आई एफ सी आई बांड (XV सीरीज) जिनकी विशिष्ट संख्या 00001 से 25637 तक है, के वचन पत्रों के स्वरूप के बांडों पर स्टाम्प शुल्क के कारण प्रभावी है।

[संख्या 15/98-स्टाम्प-फा.सं. 15/12/98-एस टी]

एस. कुमार, अवर सचिव

ORDER

New Delhi, the 5th May, 1998

STAMPS

S.O. 1042.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits The Industrial Finance Corporation of India Limited New Delhi to pay consolidated stamp duty of rupees two crores fifty six lakhs thirty seven thousands only chargeable on account of the stamp duty on bonds in the nature of promissory notes described as IFCI Bonds (XV Series) bearing distinctive numbers from 00001 to 25637 allotted on 30-9-97 aggregating to rupees two hundred fifty six crores thirty seven lakhs only by the said Corporation.

[No. 15/98-STAMPS-F. No. 15/12/98-ST]

S. KUMAR, Under Secy.

आदेश

नई दिल्ली, 5 मई, 1998

स्टाम्प

का.आ. 1043.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार पत्रद्वारा दि इण्डस्ट्रियल फाइनेंस कॉर्पोरेशन आफ इंडिया लिमिटेड, नई दिल्ली को, केवल दोईस करोड़ दस लाख छियासठ हजार सात सौ रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त निगम द्वारा केवल दो हजार

तीन सौ दस करोड़ छियासठ लाख सत्तर हजार रुपए के निम्न-लिखित विशिष्ट संख्या वाले वचन-पत्रों के स्वरूप के बांडों पर स्टाम्प शुल्क के कारण प्रभावी है :—

(क) 20-10-97 को आबंटित आई एफ सी आई बांड (16 वीं सीरीज), जिसकी विशिष्ट संख्या 1600001 से 1607316 तक है ;

(ख) 15-10-97, 30-10-97 तथा 22-12-97 को आबंटित आई एफ सी आई बांड (17वीं सीरीज), जिसकी विशिष्ट संख्या 1705051 से 1793046 तक है ;

(ग) 15-1-98 को आबंटित आई एफ सी आई बांड (18वीं सीरीज), जिसकी विशिष्ट संख्या 1800001 से 1835221 तक है ;

(घ) 25-1-98 को आबंटित आई एफ सी आई बांड (19 वीं सीरीज), जिसकी विशिष्ट संख्या 1902001 से 1916500 तक है ;

(ङ) 25-1-98 को आबंटित आई एफ सी आई बांड (20 वीं सीरीज), जिसकी विशिष्ट संख्या 2000001 से 2045397 तक है और

(च) 25-3-98 को आबंटित आई एफ सी आई बांड (21वीं सीरीज), जिसकी विशिष्ट संख्या 2103301 से 2135543 तक है ।

[संख्या 16/98-स्टाम्प-फा.सं. 15/12/98-एस टी]

एस. कुमार, अवर सचिव

ORDER

New Delhi, the 5th May, 1998

STAMPS

S.O. 1043.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits The Industrial Finance Corporation of India Limited, New Delhi to pay consolidated stamp duty of rupees twenty three crores ten lakhs sixty six thousands seven hundred only chargeable on account of the stamp duty on bonds in the nature of promissory notes described as—

(a) IFCI Bonds (XVI Series) bearing distinctive numbers from 1600001 to 1607316 allotted on 20-10-97,

(b) IFCI Bonds (XVII Series) bearing distinctive numbers from 1705051 to 1793046 allotted on 15-10-97, 30-10-97 and 22-12-97 ;

(c) IFCI Bonds (XVIII Series) bearing distinctive numbers from 1800001 to 1835221 allotted on 15-1-98 ;

(d) IFCI Bonds (XIX Series) bearing distinctive numbers from 1902001 to 1916500 allotted on 25-1-98 ;

(e) IFCI Bonds (XX Series) bearing distinctive numbers from 200001 to 2045397 allotted on 25-1-98 ; and

(f) IFCI Bonds (XXI Series) bearing distinctive numbers from 2103301 to 2135543 allotted on 25-3-98.

aggregating to rupees two thousand three hundred ten crores sixty six lakhs seventy thousand only by the said Corporation.

[No. 16/98-STAMPS-F. No. 15/12/98-ST]

S. KUMAR, Under Secy.



नई दिल्ली, 6 मई, 1998

आयकर

क्र.सं. 1044.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दिल्ली गOLF क्लब लि., नई दिल्ली" को 1991-92 से 1993-94 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहने हुए, उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिता उसकी आय का इन्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संबन्धन इस प्रकार के संबन्धन हेतु उक्त खंड (23) द्वारा यथासंशोधित धारा 11 की उपधारा (2) तथा (3) के उपाखंडों के अनुसूच्य पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिता ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि-जवर-जवहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न का निवेश नहीं करेगा यावा उसे जमा नहीं करवा सकेगा ;
- (iii) कर-निर्धारिता अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संवितरण अपने से संबद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और
- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा आयलाभ हों जब तक कि ऐसा कारोबार, उक्त कर-निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं० 10584/फा० सं० 196/23/95-आयकर नि I]

प्रमिला भारद्वाज, उपा सचिव

New Delhi, the 6th May, 1998

INCOME TAX

S.O. 1044.—In exercise of the powers conferred by clause (23) of Section 10 of the Income-tax 1306 GI/98—3

Act. 1961 (43 of 1961), the Central Government hereby notifies the "Delhi Golf Club Ltd., New Delhi" for the purposes of the said clause for assessment year 1991-92 to 1993-94 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-section (2) & (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10584/F.No. 196/23/95-ITA-II]

PROMILA BHARDWAJ, Dy. Secy.

मुख्य आयकर आयुक्त का कार्यालय

कलकत्ता, 6 मई, 1998

संख्या 2/98-99

क्र.सं. 1045.—दिनांक 01-07-1998 से आ०आ०, रंज-जलपाईगुड़ी एवं आ०आ०, जलपाईगुड़ी के अधीन उत्तर दिनाजपुर के रायगंज में एक नए प्रभार आ०आ०, मुख्य०, का सृजन किया जाता है ।

दिनांक 01-07-1998 से आ०आ०, जलपाईगुड़ी अधीन आ०आ०, बार्ड-3, मालदा प्रभार को समाप्त किया जाता है ।

आ०आ०, बार्ड 3, मालदा, प्रभार के समाप्ति के परिणाम स्वरूप इस क्षेत्राधिकार के सभी मामलों को दिनांक 01-07-98 से आ०आ०, बार्ड-2, मालदा, निपटाएंगे ।

[फाईल सं० ए० सी०/संख्या०/योजना/10/98-99]

पी० के० शर्मा, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER  
OF INCOME-TAX

Calcutta, the 6th May, 1998

No. 2/98-99

S.O. 1045.—A new charge of an I.T.O. with Head Quarters at Raiganj in Uttar Dinajpur under D.C.I.T., Range-Jalpaiguri and C.I.T., Jalpaiguri, is created with effect from 01-07-1998.

The charge of the I.T.O., Ward-3, Malda in the charge of CIT., Jalpaiguri is abolished with effect from 01-07-1998.

Consequent to the abolition of the charge of I.T.O., Ward-3, Malda, the I.T.O. Ward-2, Malda, will have jurisdiction over cases held by the erstwhile I.T.O., Ward-3, Malda, with effect from 01-07-1998.

[F. No. AC/HQ/Planning/10/98-99]

P. K. SHARMA, Chief Commissioner  
of Income-tax

कलकत्ता, 6 मई, 1998

सं० 3/98-99

का०आ० 1046.—दिनांक 01-07-1998 से आ० उपा०, रेंज-जलपाईगुड़ी एवं आ०आ०, जलपाईगुड़ी के अधीन मालदा में सं० आ०आ०, मुख्या के नए प्रभार का सृजन किया जाता है।

दिनांक 01-07-1998 से आ० उपा०, रेंज-7 एवं आ०आ० सं०-II, कलकत्ता के अधीन सं० आ०आ०, सर्किल-7(3), कलकत्ता के प्रभार को समाप्त किया जाता है।

सं० आ०आ०, सर्किल-7(3), कलकत्ता, प्रभार की समाप्ति के परिणामस्वरूप इस क्षेत्राधिकार के मामले को सं० आ०आ०, सर्किल-7(2), कलकत्ता, दिनांक 1-7-98 से निपटाएंगे।

[सं० ए० सी०/मुख्या/योजना/10/98-99]

पी० के० शर्मा, मुख्य आयकर आयुक्त

Calcutta, the 6th May, 1998

No. 3/98-99

S.O. 1046.—A new charge of an ACIT with Head Quarters at Malda under the DCIT, Range-Jalpaiguri and C.I.T., Jalpaiguri, is created with effect from 01-07-1998.

The charge of ACIT, Circle-7(3), Calcutta under DCIT, Range 7, Calcutta, and C.I.T., W.B.-II, Calcutta is abolished with effect from 01-07-1998.

Consequent to the abolition of the charge of ACIT, Circle-7 (3), Calcutta, the ACIT, Circle-7 (2), Calcutta will have jurisdiction over cases held by the erstwhile ACIT, Circle-7(3), Calcutta with effect from 01-07-1998.

[No. AC/HQ/Planning/10/98-99]

P. K. SHARMA, Chief Commissioner  
of Income-tax

आदेश

नई दिल्ली, 6 मई, 1998

स्टाम्प

का.आ. 1047.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा दि इण्डस्ट्रियल फाइनेंस कारपोरेशन आफ इंडिया लिमिटेड, नई दिल्ली को, केवल चौतीस लाख सत्तावन हजार आठ सौ पचास रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त निगम द्वारा केवल उनहत्तर करोड़ पन्द्रह लाख उनहत्तर हजार आठ सौ तीस रुपये के निम्नलिखित विशिष्ट संख्या वाले वचना-पत्रों के स्वरूप के निक्षेप प्रमाण पत्रों पर स्टाम्प शुल्क के कारण प्रसार्य है :—

- (क) 30-7-97 को आबंटित आईएफसीआई निक्षेप प्रमाण-पत्र जिसकी विशिष्ट संख्या 0001369 है;
  - (ख) 14-9-97 को आबंटित आईएफसीआई निक्षेप प्रमाण-पत्र जिसकी विशिष्ट संख्या 0001430 है;
  - (ग) 17-9-97 को आबंटित आईएफसीआई निक्षेप प्रमाण-पत्र जिसकी विशिष्ट संख्या 0001370 है;
  - (घ) 22-9-97 को आबंटित आईएफसीआई निक्षेप प्रमाण-पत्र जिसकी विशिष्ट संख्या 0001379 है;
  - (ङ) 3-10-97 को आबंटित आईएफसीआई निक्षेप प्रमाण-पत्र जिसकी विशिष्ट संख्या 6001372 है;
- और
- (च) 3-10-97 को आबंटित आईएफसीआई निक्षेप प्रमाण-पत्र जिसकी विशिष्ट संख्या 0000881 है।

[संख्या 14/98-स्टाम्प-फा.सं. 15/12/98-एसटी]

एस. कुमार, अवर सचिव

ORDER

New Delhi, the 6th May, 1998

STAMPS

S.O. 1047.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits The Industrial Finance Corporation of India Limited New Delhi to pay consolidated stamp duty of rupees thirty four lakhs fifty seven thousands eight hundred fifty only

chargeable on account of the stamp duty on Certificates of Deposits in the nature of promissory notes described as—

- (a) IFCI Certificates of Deposit bearing distinctive number 0001369 allotted on 30-9-97 ;
- (b) IFCI Certificates of Deposit bearing distinctive number 0001430 allotted on 14-9-97 ;
- (c) IFCI Certificates of Deposit bearing distinctive number 0001370 allotted on 17-9-97 ;
- (d) IFCI Certificates of Deposit bearing distinctive number 0001379 allotted on 22-9-97 ;
- (e) IFCI Certificates of Deposit bearing distinctive number 0001372 allotted on 3-10-97 ; and
- (f) IFCI Certificates of Deposit bearing distinctive number 0000881 allotted on 3-10-97.

aggregating to rupees sixty nine crores fifteen lakhs sixty nine thousands eight hundred thirty only, by the said Corporation.

[No. 14/98-STAMPS-F. N. 15/12/98-ST]

S. KUMAR, Under Secy.

आदेश

नई दिल्ली, 6 मई, 1998

स्टाम्प

का.आ. 1048- भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा दि इण्डस्ट्रियल फाइनेंस कारपोरेशन आफ इंडिया लिमिटेड, नई दिल्ली को, केवल तैतालीस लाख ग्यारह हजार नौ सौ पचास रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त निगम द्वारा 19-3-1998 को आवंटित केवल तैतालीस करोड़ ग्यारह लाख पचास हजार रुपये के आई एफ सी आई निक्षेप प्रमाण-पत्र, जिनकी विशिष्ट संख्या 0002031 से 0002033 तक है, के वचनपत्रों के स्वरूप के निक्षेप प्रमाण-पत्रों पर स्टाम्प शुल्क के कारण प्रसार्य है।

[संख्या 17/98-स्टाम्प-फा.सं. 15/12/98-एसटी]

एस. कुमार, अवसरसचिव

ORDER

New Delhi, the 6th May, 1998

STAMPS

S.O. 1048.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Industrial Finance Corporation of India Limited, New Delhi to pay consolidated stamp duty of rupees forty three lakhs eleven thousands nine hundred fifty only chargeable on account of the stamp duty on Certificates of Deposits in the nature of promissory notes described as IFCI Certificates of Deposit bearing distinctive numbers from 002031 to 0002033 allotted on 19-3-1988 aggregating to rupees forty three crores eleven lakhs ninety five thousands only, by the said Corporation.

[No. 17/98-STAMPS/F. No. 15/12/98-ST]

S. KUMAR, Under Secy.

आदेश

नई दिल्ली, 6 मई, 1998

स्टाम्प

का.आ. 1049- भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा दि इण्डस्ट्रियल फाइनेंस कारपोरेशन आफ इंडिया लिमिटेड, नई दिल्ली को, केवल अड़तीस लाख उनचास हजार नौ सौ त्रिंशत् रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त निगम द्वारा केवल छयात्रे करोड़ निन्यानवे लाख चौरानवे हजार छः सौ पैंतीस रुपये के निम्नलिखित विशिष्ट संख्या वाले वचन-पत्रों के स्वरूप के निक्षेप प्रमाणपत्रों पर स्टाम्प शुल्क के कारण प्रसार्य है:—

- (क) 18-11-97 को आवंटित आई एफ सी आई निक्षेप प्रमाण-पत्र, जिसकी विशिष्ट संख्या 0001373 है;
- (ख) 1-1-98, 5-1-98, 16-1-98, 6-3-98 और 14-3-98 को आवंटित आई एफ सी आई निक्षेप प्रमाण-पत्र, जिनकी विशिष्ट संख्या 0001426 से 0001430 तक है; और
- (ग) 18-3-98 को आवंटित आई एफ सी आई निक्षेप प्रमाण-पत्र, जिसकी विशिष्ट संख्या 0002028 से 0002030 तक है।

[संख्या 18/98-स्टाम्प-फा.सं. 15/12/98-एसटी]

एस. कुमार, अवसरसचिव

ORDER

New Delhi, the 6th May, 1998

STAMPS

S.O. 1049.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits The Industrial Finance Corporation of India Limited, New Delhi to pay consolidated stamp duty of rupees forty eight lakhs forty nine thousands nine hundred seventy three only chargeable on account of the stamp duty on Certificates of Deposits in the nature of promissory notes described as—

- (a) IFCI Certificates of Deposit bearing distinctive number 0001373 allotted on 18-11-97;
- (b) IFCI Certificates of Deposit bearing distinctive numbers from 0001426 to 0001430 allotted on 1-1-1998, 16-1-1998, 6-3-1998 and 14-3-98; and
- (c) IFCI Certificates of Deposit bearing distinctive numbers from 0002028 to 0002030 allotted on 18-3-1998.

aggregating to rupees ninety six crores ninety nine lakhs ninety four thousands six hundred thirty five only, by the said Corporation:

[No. 18/98-STAMPS-I, No. 15/12/98-ST]

S. KUMAR, Under Secy.

केन्द्रीय उत्पाद एवं सीमा शुल्क आयुक्त का कार्यालय

संख्या : 03/1998

नागपुर, 8 मई, 1998

क्र.सं. 1050.—श्री ए.एस. दातार, प्रमुख लेखा अधिकारी, केन्द्रीय उत्पाद एवं सीमा शुल्क आयुक्तालय, नागपुर निवर्तन की आयु प्राप्त करने पर दिनांक 30 अप्रैल, 1993 को अवसरान्त में शासकीय सेवा से निवृत्त हुए हैं।

[क्र.सं. II (7) 4/97/स्था. I]

अनिल कुमार, उप आयुक्त (कार्मिक एवं मतर्कता)

OFFICE OF THE COMMISSIONER OF  
CENTRAL EXCISE & CUSTOMS

No. 03/1998

Nagpur, the 8th May, 1998

S.O. 1050.—Shri A. S. Datar, Chief Accounts Officer Central Excise and Customs, Nagpur Commissionerate having attained the age of superannuation, retired from Government service in the afternoon of 30-4-98.

IC. No. II(7)4/97/Et. II

ANIL KUMAR, Dy. Commissioner, (P & V)

विदेश मंत्रालय

(कन्सुलर अनुभाग)

नई दिल्ली, 13 मई, 1998

क्र.सं. 1051.—राजनायिक कौंसली अधिकारी (गपथ एवं शुल्क) अधिनियम 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्-द्वारा भारत का कौंसलावास, फ्रैंकफर्ट में सहायक श्री एल. आर. दास को 12-11-96 से सहायक कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी-4330/1/98]

एन. यू. अविराचन, अवर सचिव, (पी. वी. एस.)

MINISTRY OF EXTERNAL AFFAIRS

(Consular Section)

New Delhi, the 13th May, 1998

S.O. 1051.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officer (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Sh. L. R. Das Assistant in the Consulate General of India, Frankfurt to perform the duties of Assistant Consular Officer with effect from 12-11-96.

[No. T-4330/1/98]

N. U. AVIRACHEN, Under Secy. (Cons.)

नई दिल्ली, 13 मई 1998

क्र.सं. 1052.—राजनायिक कौंसली अधिकारी (गपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्-द्वारा भारत का कौंसलावास, फ्रैंकफर्ट में सहायक अन्तर सिंह को 28-4-97 से सहायक कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी-4330/1/98]

एन. यू. अविराचन, अवर सचिव (पी. वी. एस.)

New Delhi, the 13th May, 1998

S.O. 1052.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officer (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Sh. attar Singh Assistant in the Consulate General of India, Frankfurt to perform the duties of Assistant Consular Officer with effect from 28-4-97.

[No. T-4330/1/98]

N. U. AVIRACHEN, Under Secy. (Cons.)

मानव संसाधन विकास मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 6 मई, 1998

क्र.सं. 1053.—केन्द्रीय सरकार, राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (शिक्षा विभाग) के अन्तर्गत निम्नलिखित केन्द्रीय विद्यालयों को जिनमें 80% से अधिक कर्मचारियों में हिन्दी का कार्यवाहक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

1. केन्द्रीय विद्यालय,  
इफ्को टाउनशिप,  
उदयनगर गांधीधाम (कच्छ)
2. केन्द्रीय विद्यालय, नं. 4  
झोटवाड़ा आर्मी एरिया  
जयपुर-302012।
3. केन्द्रीय विद्यालय,  
मानसरोवर महावीर मार्ग,  
सेक्टर-12, जयपुर-302020।
4. केन्द्रीय विद्यालय, नं. 6  
सेक्टर-3, प्रताप नगर,  
सांगानेर, जयपुर-302011।

5. केन्द्रीय विद्यालय,  
सीमा सुरक्षा बल इकाया,  
जैमलमेर (राजस्थान)।
6. केन्द्रीय विद्यालय,  
देवली,  
जिला-टोंक,  
राजस्थान।
7. केन्द्रीय विद्यालय,  
वायु सेना स्थल,  
जोरहाट, असम।
8. केन्द्रीय विद्यालय,  
न्यू माजरी, कूचना,  
मध्य प्रदेश।
9. केन्द्रीय विद्यालय, नं. 1  
देंगडुबी।
10. केन्द्रीय विद्यालय नं. 1  
बिन्नागुरी कैंट, (प. बंगाल)।

[सं 11011-5/97-रा.भा.ए.]

निशेन्दु ओझा, निदेशक (रो.भा.)

## MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Education)

New Delhi, the 6th May, 1998

S.O. 1053.—In pursuance of sub rule (4) of rule 10 of the Official Languages (use for Official Purpose of the Union) Rules, 1976, the Central Govt. hereby notifies the follow-

ing Kendriya Vidyalayas under the Ministry of Human Resource Development (Deptt. of Education) more than 80 per cent Staff of which has working knowledge of Hindi :—

1. Kendriya Vidyalaya,  
Effco Township,  
Udaipur.  
Gandhidham (Kachh)
2. Kendriya Vidyalaya No. 4  
Jhotwara Army Area,  
Jaipur-302012.
3. Kendriya Vidyalaya,  
Mansarowar Mahavir Marg,  
Sect. 12, Jaipur-302020.
4. Kendriya Vidyalaya No. 6  
Sect. 3, Pratap Nagar,  
Sanganair, Jaipur-302011.
5. Kendriya Vidyalaya,  
Boarder Security Force Dabla,  
Jaisalmer (Rajasthan).
6. Kendriya Vidyalaya,  
Deoli,  
Dist. Tonk,  
Rajasthan.
7. Kendriya Vidyalaya,  
Air Force Centre,  
Jorhat, Assam.
8. Kendriya Vidyalaya,  
New Majri Koochna,  
Madhya Pradesh.
9. Kendriya Vidyalaya,  
No. 1 Bengdubi.
10. Kendriya Vidyalaya No. 1  
Binnaguri Cantt.  
(West Bengal).

[No. 11011-5/97-O.I U.]

NISHENDU OJHA, Director (O.L.)

## कोयला मंत्रालय

नई दिल्ली, 4 मई, 1998

का. आ. 1054.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र अर्जन और विकास) अधिनियम, (1957) 1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का. आ. 2579 तारीख 21 अगस्त, 1996, जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 3 सितम्बर, 1996 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में, जिसका माप 513.982 हेक्टेयर (लगभग) या 1270.05 एकड़ (लगभग) या ऐसी भूमि में उस पर अधिकारों के अर्जन करने के अपने आशय की सूचना दी थी।

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और मध्य प्रदेश सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 513.982 हेक्टेयर (लगभग) या 1270.05 हेक्टेयर (लगभग) माप वाली भूमि अर्जित की जानी चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इससे संलग्न अनुसूची में वर्णित 513.982 हेक्टेयर (लगभग) या 1270.05 एकड़ (लगभग) माप वाली भूमि अर्जित की जाती है।

इस अधिसूचना के अधीन अपने अपने वाले क्षेत्र के सं. एस. ई. सी. एल./बीएसपी/जीएम (पीएलजी) /भूमि/ 195 तारीख 15 नवंबर, 1997 वाले रेखांक का निरीक्षण कलक्टर, सरगुजा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट कलकत्ता के कार्यालय में या साउथ सेंट्रल कोलफील्ड लिमिटेड (राजस्व विभाग), सीपउ रोड, बिलासपुर—495006 के कार्यालय में किया जा सकता है।

## अनुसूची

बलरामपुर और कुमदा तथा परियोजना

बिधामपुर क्षेत्र

जिला—सरगुजा (मध्य प्रदेश)

सभी अधिकार

राजद भूमि

क्रम सं.	ग्राम का नाम	ग्राम सं.	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	दतिया	14	सूरजपुर	सरगुजा	12.203	भाग
2.	लक्ष्मणपुर	23	सूरजपुर	सरगुजा	16.542	भाग
3.	कुमदा	22	सूरजपुर	सरगुजा	15.233	भाग
4.	कमलापुर	32	सूरजपुर	सरगुजा	211.897	भाग
5.	कसकेला	33	सूरजपुर	सरगुजा	134.247	भाग
कुल :					390.122	हेक्टेयर

वन भूमि

क्रम सं.	आरक्षित वन का नाम	कम्पार्टमेंट सं.	रेंज	प्रभाग	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	कसकेला राई	116	सूरजपुर	साउथ	31.860	भाग
		206	सूरजपुर	सरगुजा	92.000	भाग
कुल					123.860	हेक्टेयर

कुलयोग

513.982 हेक्टेयर (लगभग)

या

1270.05 एकड़ (लगभग)

1. ग्राम दतिया में अर्जित किए गए प्लॉट सं. (भाग)

1207 (भाग), 1208 (भाग), 1209, 1210, 1211 (भाग), 1213 से 1216, 1217 (भाग), 1226 (भाग), 1227, 1240।

2. ग्राम लक्ष्मणपुर में अर्जित किए गए प्लॉट सं. (भाग)

135/3, 135/5 (भाग), 135/6 (भाग), 135/7 (भाग), 135/8 (भाग), 135/9 से (भाग), 143 (भाग), 144/1 (भाग), 144/2 (भाग), 145 (भाग), 154 से 160, 161 (भाग), 162 से 167, 168 (भाग), 169, 173

3. ग्राम कुमदा में अर्जित किए गए प्लॉट सं. (भाग)

543 (भाग), 544 (भाग), 955 (भाग), 971 (भाग)

4. ग्राम कमलापुर में अर्जित किए गए प्लॉट सं. (भाग)

1 से 269, 270 (भाग), 271 (भाग), 272 (भाग), 273, 274 से 289, 290 (भाग), 294 (भाग), 295, 296, 297 (भाग), 298 (भाग), 322 (भाग), 323 से 544, 545 (भाग), 546 (भाग), 547 (भाग), 548 (भाग), 552 (भाग), 641 (भाग), 642 (भाग), 643 (भाग), 644 (भाग), 647 (भाग), 648 (भाग), 663 (भाग), 666 (भाग), 667 (भाग), 667 (भाग), 669, 670 से 696, 668 (भाग), 697 (भाग), 698, 699, 700 (भाग), 701 से 710, 711 (भाग), 811, 912, 817, 818.

## 5. ग्राम कसकेला में अर्जित किए गए प्लॉट सं० (भाग)

1 (भाग), 2 से 37, 38 (भाग), 39 से 43, 44 (भाग), 45 (भाग), 53 (भाग), 189 (भाग), 189 (भाग), 190 (भाग), 191 (भाग), 192, 193 (भाग), 194 से 222 223 (भाग), 224 (भाग), 245 (भाग), 246 (भाग), 248 (भाग), 249 (भाग) 250 से 313, 314 (भाग), 315 (भाग), 320 (भाग), 321 (भाग), 344 (भाग), 348 (भाग), 349 (भाग), 351 (भाग), 352 (भाग), 353 (भाग), 355 (भाग), 356 से 380, 381 (भाग), 382 (भाग), 383 से 414, 415 (भाग), 416 (भाग), 417 (भाग), 453 (भाग), 454 (भाग), 455 (भाग), 456 (भाग), 458 (भाग), 459 (भाग), 462 (भाग), 477 (भाग), 478 (भाग), 482 (भाग), 483 (भाग), 484 से 514, 515 (भाग), 516 से 541, 542 (भाग), 543 (भाग), 570 (भाग), 571, 572 (भाग), 573 (भाग), 574 (भाग), 578 (भाग), 596 (भाग), 598 (भाग), 599 (भाग), 599 . . 605, 606 (भाग), 607, 608 (भाग), 610 (भाग), 616 (भाग), 617 (भाग), 618 से 663, 664 (भाग), 665 (भाग), 666 से 672, 673 (भाग), 674 से 678, 679 (भाग), 680 (भाग), 681, 682, 683 (भाग), 684 (भाग), 685 (भाग), 693 (भाग), 694 (भाग), 840 (भाग), 847 (भाग), 848, 849, 850 (भाग), 851 (भाग), 853, 854 (भाग), 855 से 861, 862 (भाग), 863 (भाग), 864, 865 (भाग), 866 (भाग), 1064 (भाग), 1146 (भाग), 1150, 1151, 1152 (भाग), 1153 से 1160, 1161 (भाग), 1168 (भाग), 1172 (भाग), 1182 (भाग), 1192 (भाग), 1195 (भाग), 1196 से 1206, 1207 (भाग)

## 6. कसकेला राई आरक्षित वन में अर्जित किए गए वन कंपार्टमेंट सं० (भाग)

116 (भाग), 206 (भाग)

सीमा वर्णन :

- क—क—1 रेखा ग्राम दत्तिमा और आरक्षित वन की सम्मिलित सीमा पर बिन्दु “क” से आरंभ होती है आरक्षित वन कंपार्टमेंट सं० 206 से होकर जाती है तथा बिन्दु “इ-1” पर मिलती है।
- ख—ग—घ—ङ—ड—1 रेखा प्लॉट सं० 1, 53, 38, 45, 44, 189, 190, 191, 193, 223, 224, 227, 228, 245, 246, 245, 249, 248, 416, 415, 416, 417, 515 453, 454, 455, 456, 458 से होकर ग्राम कसकेला से होकर जाती है और बिन्दु “च” पर मिलती है।
- इ—1—च रेखा प्लॉट सं० 458, 459, 462 482, 483, 478, 477, 673, 694, 693, 679, 680, 685, 684, 683, 847, 850, 851, 854, 840, 1168, 1161, 1172, 1207, 1064 से होकर ग्राम कसकेला से होकर जाती है और बिन्दु “ज” पर मिलती है।
- च—छ—ज रेखा वन कंपार्टमेंट सं० 116 से होकर जाती है और बिन्दु “ठ 1” पर मिलती है।
- ज—झ—ट—ठ—ड प्लॉट सं० 1064, 1182, 1195, 1192, 1172, 1152, 1146, 862, 763, 865, 866, 598, 596, 608, 606, 610, 865, 664 से हो कर ग्राम कसकेला से होकर जाती है और बिन्दु “ड” पर मिलती है।
- ड—ड रेखा प्लॉट सं० 664, 616, 617, 574, 573, 572, 578, 570, 543, 542, , 382, 381, 349, 348, 351, 352, 344, 358, 355, 315, 314, 320 321 से होकर ग्राम कसकेला से होकर जाती है, फिर प्लॉट सं० 270, 271, 272, 298, 297, 294, 291, 290, 322, 545, 552, 549, 547, 546, 641, 644, 642, 643, 647, 648, 667, 668, 666, 663, 697, 700, 711 से होकर ग्राम कसकेला में आगे बढ़ती है फिर प्लॉट सं० 955, 544, 543 से होकर ग्राम कसकेला से होकर तथा बिन्दु “ड” पर मिलती है।
- ड—ण—क रेखा प्लॉट सं० 543, 544, 971 से होकर ग्राम कसकेला से होकर जाती है और प्लॉट सं० 135/5, 135/9, 135/8, 135/7, 135/8, 143, 1544/2, 144/1, 145, 168, 161 से होकर ग्राम लक्ष्मणपुर में आगे बढ़ती है, फिर प्लॉट सं० 1226, 1217, 1211, 1207, 1208 से होकर ग्राम दत्तिमा से होकर और आरक्षित बिन्दु “च” पर मिलती है।

[फा. सं. 43015/7/95—एल. एस. डब्ल्यू./सी. ए.]

पी. के. जी. नायर, अवसर सचिव

## MINISTRY OF COAL

New Delhi, the 4th May, 1998

S.O. 1054.—Whereas by the notification of the Government of India in the Ministry of Coal number S. G. 2579, dated the 21st August, 1996, under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 7th September, 1996, the Central Government give notice of its intention to acquire land and rights in the land measuring 513.982 hectares (approximately) or 1270.05 acres (approximately), in the locality specified in the Schedule appended to that notification;

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government;

And whereas, the Central Government after considering the aforesaid report and consulting the Government of Madhya Pradesh is satisfied that the lands measuring 513.982 hectares (approximately) or 1270.05 acres (approximately) described in the Schedule appended hereto, should be acquired ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 513.982 hectares (approximately) or 1270.05 acres (approximately) described in the said Schedule are hereby acquired.

The Plan No. SECT.[BSP|GM(PLG)|Land|195 dated the 15th November, 1997, of the areas covered by this notification may be inspected in the Office of the Collector, Surguja (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Madhya Pradesh).

## SCHEDULE

## BALRAMPUR AND KUMDA NEW PROJECT

## BISRAMPUR AREA

## DISTRICT-SURGUJA (MADHYA PRADESH)

## ALL RIGHTS

## REVENUE LAND

Serial Number	Name of Village	Village number	Tahsil	District	Area in hectares	Remarks
1.	Dalima	14	Surajpur	Surguja	12.203	Part
2.	Laxmanpur	23	Surajpur	Surguja	16.542	Part
3.	Kumda	22	Surajpur	Surguja	15.233	Part
4.	Kamlapur	32	Surajpur	Surguja	211.897	Part
5.	Kaskela	33	Surajpur	Surguja	134.247	Part
TOTAL :					390.122 hectares	

## FOREST LAND.

Serial Number	Name of Reserve Forest	Compartments number	Range	Division	Area in hectares	Remarks
1.	Kaskela Rain	116	Surajpur	South	31.860	Part
		206	Surajpur	Surguja	92.000	Part
TOTAL :					123.860 hectares	

## GRAND TOTAL

513.982 hectares (approximately)

OR

1270.05 acres (approximately)



## 1. Plot numbers acquired in village Datima (Part)

1207 (Part), 1208 (Part), 1209, 1210, 1211 (Part), 1213 to 1216, 1217 (Part), 1226 (Part), 1227 to 1240.

## 2. Plot numbers acquired in village Laxmanpur (Part)

135/3, 135/5 (Part), 135/6 (Part), 135/7 (Part), 135/8 (Part), 135/9 (Part), 143 (Part), 144/1 (Part), 144/2 (Part), 145 (Part), 154 to 160, 161 (Part), 162 to 167, 168 (Part), 169, 173.

## 3. Plot numbers acquired in village Kumda (Part)

543 (Part), 544 (Part), 955 (Part), 971 (Part)

## 4. Plot numbers acquired in village Kamlapur (Part)

1 to 269, 270 (Part), 271 (Part), 272 (Part), 273, 274 to 289, 290 (Part), 291 (Part), 294 (Part), 295, 296, 297 (Part), 298 (Part), 322 (Part), 323 to 344, 345 (Part), 346 (Part), 347 (Part), 349 (Part), 352 (Part), 353 (Part), 355 (Part), 356 to 380, 381 (Part), 382 (Part), 383 to 414, 415 (Part), 416 (Part), 417 (Part), 453 (Part), 454 (Part), 455 (Part), 456 (Part), 458 (Part), 459 (Part), 462 (Part), 477 (Part), 478 (Part), 482 (Part), 483 (Part), 484 to 514, 515 (Part), 516 to 541, 542 (Part), 543 (Part), 570 (Part), 571, 572 (Part), 573 (Part), 574 (Part), 578 (Part), 596 (Part), 598 (Part), 599 to 605, 606 (Part), 607, 608 (Part), 610 (Part), 616 (Part), 617 (Part), 618 to 663, 664 (Part), 665 (Part), 666 to 672, 673 (Part), 674 to 678, 679 (Part), 680 (Part), 681, 682, 683 (Part), 684 (Part), 685 (Part), 693 (Part), 694 (Part), 840 (Part), 847 (Part), 848, 849, 850 (Part), 851 (Part), 853, 854 (Part), 855 to 861, 862 (Part), 863 (Part), 864, 865 (Part), 866 (Part), 1064 (Part), 1146 (Part), 1150, 1151, 1152 (Part), 1153 to 1160, 1161 (Part), 1162 (Part), 1168 (Part), 1172 (Part), 1182 (Part), 1192 (Part), 1195 (Part), 1196 to 1206, 1207 (Part).

## 5. Plot numbers acquired in village Kaskela (Part)

1 (Part), 2 to 37, 38 (Part), 39 to 43, 44 (Part), 45 (Part), 53 (Part), 189 (Part), 190 (Part), 191 (Part), 192, 193 (Part), 194 to 222, 223 (Part), 224 (Part), 225, 226, 227 (Part), 228 (Part), 229 to 244, 245 (Part), 246 (Part), 248 (Part), 249 (Part), 250 to 313, 314 (Part), 315 (Part), 320 (Part), 321 (Part), 344 (Part), 348 (Part), 349 (Part), 351 (Part), 352 (Part), 353 (Part), 355 (Part), 356 to 380, 381 (Part), 382 (Part), 383 to 414, 415 (Part), 416 (Part), 417 (Part), 453 (Part), 454 (Part), 455 (Part), 456 (Part), 458 (Part), 459 (Part), 462 (Part), 477 (Part), 478 (Part), 482 (Part), 483 (Part), 484 to 514, 515 (Part), 516 to 541, 542 (Part), 543 (Part), 570 (Part), 571, 572 (Part), 573 (Part), 574 (Part), 578 (Part), 596 (Part), 598 (Part), 599 to 605, 606 (Part), 607, 608 (Part), 610 (Part), 616 (Part), 617 (Part), 618 to 663, 664 (Part), 665 (Part), 666 to 672, 673 (Part), 674 to 678, 679 (Part), 680 (Part), 681, 682, 683 (Part), 684 (Part), 685 (Part), 693 (Part), 694 (Part), 840 (Part), 847 (Part), 848, 849, 850 (Part), 851 (Part), 853, 854 (Part), 855 to 861, 862 (Part), 863 (Part), 864, 865 (Part), 866 (Part), 1064 (Part), 1146 (Part), 1150, 1151, 1152 (Part), 1153 to 1160, 1161 (Part), 1162 (Part), 1168 (Part), 1172 (Part), 1182 (Part), 1192 (Part), 1195 (Part), 1196 to 1206, 1207 (Part).

## 6. Forest Compartment numbers acquired in Keskela Rain Reserved Forest (Part).

116 (Part), 206 (Part).

## BOUNDARY DESCRIPTION

- A—A1 Line starts from point 'A' on the common boundaries of village Datima and reserved forest
- B—C—D and passes through reserved forest compartment number 206 and meets at point 'E1'.
- E1—E Line passes through village Kaskela through plot numbers 1, 53, 38, 45, 44, 189, 190, 191, 193, 223, 224, 227, 228, 245, 246, 249, 248, 416, 415, 416, 417, 515, 453, 454, 455, 456, 458, and meets at point 'F'.
- F—C—H Line passes through village Kaskela through plot numbers 458, 459, 462, 482, 483, 478, 477, 673, 694, 693, 679, 680, 685, 684, 683, 847, 850, 851, 854, 840, 1168, 1161, 1162, 1172, 1207, 1064 and meets at point 'H'.
- H—I—J— Line passes through Forest compartment number 116 and meets at point 'L1'.
- K—L—L1
- L1—M Line passes through village Kaskela through plot numbers 1064, 1182, 1195, 1192, 1172, 1152, 1146, 862, 863, 865, 866, 598, 596, 608, 606, 610, 665, 664 and meets at point 'M'.
- M—N Line passes through village Kaskela through plot numbers 664, 616, 617, 574, 573, 572, 578, 570, 543, 542, 382, 381, 349, 348, 351, 352, 344, 353, 355, 315, 314, 320, 321, then proceeds in village Kamlapur through plot numbers 270, 271, 272, 298, 297, 294, 291, 290, 322, 345, 352, 349, 347, 346, 641, 644, 642, 643, 647, 648, 667, 668, 666, 663, 697, 700, 711 then through village Kumda through plot numbers 955, 544, 543 and meets at point 'N'.
- N—O—A Line passes through village Kumda through plot numbers 543, 544, 971 and proceeds in village Laxmanpur through plot numbers 135/5, 135/9, 135/8, 135/7, 135/6, 143, 144/2, 144/1, 145, 168, 161 then through village Datima through plot numbers 1226, 1217, 1211, 1207, 1208 and meets the starting at point 'A'.

[F. No. 43015/6/95-LSW/CA]

P. K. G. NAIR, Under Secy.

नई दिल्ली, 4 मई, 1998

का. आ. 1055 :—केन्द्रीय सरकार ने कायला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957, 1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी की गई भारत सरकार के कायला मंत्रालय की अधिसूचना सं. का. आ. 2942 तारीख 10 अक्तूबर, 1996 जो भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 19 अक्तूबर, 1996 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची, में विनिर्दिष्ट परिश्रेत की भूमि में, जिसका माप 559.743 हेक्टेयर (लगभग) या 1383.12 एकड़ (लगभग) है; खनन, उत्खनन, बोर करने, खुदाई, तलाश करने और उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों के अर्जन करने के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और बिहार सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 559.743 हेक्टेयर (लगभग) या 1383.12 एकड़ (लगभग) माप वाली भूमि में खनन, उत्खनन, बोर करने, खुदाई करने, तलाश करने, उन्हें प्राप्त करने तथा खनिजों को ले जाने के अधिकारों को अर्जित किया जाना चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इससे संलग्न अनुसूची में वर्णित 559.743 हेक्टेयर (लगभग) या 1383.12 हेक्टेयर (लगभग) माप वाली भूमि में खनन, उत्खनन, बोर करने, खुदाई करने और तलाश करने और प्राप्त करने, खनिजों को ले जाने के अधिकारों को अर्जित किया जाता है।

इस अधिसूचना के अधीन अपने आने वाले क्षेत्र के सं. एसईसी एल/बीएम पी/जी. एम.) (पी. एल. जी.)/भूमि/ 196 तारीख 22 नवंबर, 1997 वाले रेखांक का निरीक्षण कलकत्ता, बिलासपुर, मध्य प्रदेश के कार्यालय में या कोशिका निबंधक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या साउथ ईस्टर्न, कोलफील्ड्स लि. के राजस्व विभाग सीएन रोड; बिलासपुर-495006 (मध्य प्रदेश), के कार्यालय में किया जा सकता है।

अनुसूची

सराईपाली खंड

कोरवा (कोयला क्षेत्र)

जिला—बिलासपुर (मध्य प्रदेश)

रेखांक सं. : एस. ई. सी. एल./बी. एम. पी./जी. एम.

(पी. एल. जी.)/नैड/196

तारीख 22 नवंबर, 1997

खनन अधिकार

क्रम सं.	ग्राम	पटवारी हलका सं.	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	डोमिया	25	कटघोरा	बिलासपुर	57.414	भाग
2.	सराईपाली	25	कटघोरा	बिलासपुर	31.092	भाग
3.	बुडबुड	25	कटघोरा	बिलासपुर	143.690	भाग
4.	राहाडीह	25	कटघोरा	बिलासपुर	27.547	भाग
कुल		559.743 हेक्टेयर (लगभग) या 1383.12 एकड़ (लगभग)				

1. ग्राम डोमिया में अर्जित किए गए प्लॉट सं. (भाग)

1/1 (भाग), 1/2 (भाग), 2 (भाग), 3 (भाग), 4 (भाग), 5 (भाग), 149, 150 (भाग)

2. ग्राम सराईपाली में अर्जित किए गए प्लॉट सं. (भाग)

9/1 (भाग), 10 (भाग), 11, 12, 12, 14 (भाग), 15, 16 (भाग), 17 (भाग), 18, 19, 20, 21 (भाग), 22 (भाग), 23 (भाग), 24, 25 (भाग), 26 (भाग)।

## 3. ग्राम राहाडीह में अर्जित किए गए प्लॉट सं. (भाग)

54 (भाग), 55 (भाग) 56, 57, 58, 59, (भाग), (60) भाग, 77 भाग, 90 (भाग), 96 भाग, 97 से 100, 101 (भाग), 102, 103 (भाग)।

## 4. ग्राम बुडबुड में अर्जित किए गए प्लॉट सं. (भाग)

1/1 (भाग), 26/3 (भाग), 27/1 (भाग), 27/2 (भाग), 30 (भाग), 31 (भाग), 32 (भाग), 34 (भाग), 35, 36, 37/1 (भाग), 37/2 (भाग), 37/3, 37/4, 38, 39/1, 39/2, 40 से 62, 63 (भाग), 64 (भाग), 65 (भाग), 66 (भाग), 67 (भाग), 68, 69, 70 (भाग), 71 से 121, 122/1, 122/2, 122/3, 122/4, 122/5, 123 से 132, 133 (भाग), 134 (भाग), 135 (भाग), 137 (भाग), 138 (भाग), 139, 140/1, 140/2, 141, 142, 143, 144/1, 144/2, 145 से 251, 252/1, 252/2, 253 से 282, 283/1 (भाग), 283/2, 283/3 (भाग), 283/4 (भाग), 284, 285 (भाग), 286, 287/1, 287/2, 288 से 361, 362/1, 363/2, 363 से 372, 373/1 (भाग), 374, 406/1 (भाग), 407 (भाग), 408 (भाग), 411 (भाग), 412, 413 (भाग), 414, 415, 416 (भाग), 418, 419 (भाग), 420, 421, 422, 423/1, 423/2, 424, 425, 426 (भाग), 427 से 448, 449/1, 449/2, 450 से 458, 459 (भाग), 466 (भाग), 467 (भाग), 468 (भाग), 469 से 473, 474 (भाग), 475, 476, 477 (भाग), 478, 479 (भाग), 480, 481 (भाग), 482 से 489, 490/1 (भाग), 497 (भाग), 502 (भाग), 504 (भाग), 513/1 (भाग), 548 (भाग), 550 (भाग), 553 (भाग), 554 से 564, 565/1, 565/2, 566 से 595, 596/1, 596/2, 597 से 602, 603/1, 603/2, 604 से 608, 609/1, 609/2, 610 से 621, 622 (भाग), 623 (भाग), 624/1 (भाग), 625 से 640, 641 (भाग), 642 (भाग), 658 से 662, 663/1, 663/2, 663/3, 663/4।

## सीमा वर्णन :

क—क1—क—2—ख

रेखा बिन्दु "क" से आरंभ होती है और बुडबुड और केरा—सरिया ग्रामों की सम्मिलित सीमा के साथ-साथ भागतः जाती है तथा ग्राम बुडबुड के प्लॉट संख्यांक 623, 622, 624/1, 642, 641 से होकर जाती है तत्पश्चात् 640, 639, 638, 660, 659, 658 की उत्तरी सीमा से तथा बुडबुड और सराईपाली ग्रामों की सम्मिलित सीमा के साथ-साथ भागतः आगे बढ़ती हुई ग्राम सराईपाली के प्लॉट संख्यांक 10, 16, 17, 911, 22, 21, 23, 26, 14 से होकर जाती है और बिन्दु "ख" पर मिलती है।

ख—ग

रेखा ग्राम डोमिया के प्लॉट संख्यांक 1/1, 150, 1/1 से होकर जाती है और बिन्दु "ग" पर मिलती है।

ग—घ :

रेखा ग्राम डोमिया के प्लॉट संख्यांक 1/1, 1/2, 2, 3, 4, 5 से होकर जाती है तत्पश्चात् ग्राम राहाडीह के प्लॉट संख्यांक 103, 101, 103, 96, 90, 60, 59, 55, 77, 54, 77 से होते हुए ग्राम बुडबुड के प्लॉट संख्यांक 553, 550, 283/1, 550, 283/4, 283/3, 285, 548, 490/1, 481, 479, 497, 502, 474, 504, 468, 467, 466, 459, 426, 513/1, से होकर बिन्दु "घ" पर मिलती है।

घ—ङ

रेखा ग्राम बुडबुड के प्लॉट संख्यांक 513/1, 419, 513/1, 416, 413, 411, 408, 407, 406/1, 373/1, 37/1, 26/3, 27/1, 27/2, 34, 32, 30, 31, 1/1 से होकर जाती है और बिन्दु "ङ" पर मिलती है।

ङ—क :

रेखा ग्राम बुडबुड के प्लॉट संख्यांक 1/1, 63, 64, 65, 66, 67, 70, 135, 134, 133, 138, 137 से होकर जाती है और बुडबुड —केरासरिया ग्रामों की सम्मिलित सीमा के आरंभिक बिन्दु "क" पर मिलती है।

[मं. 43015/15/95-एन. एन. डब्ल्यू./ सी. ए.]

पी. के. जी. नाथर, अधीक्षक सचिव

New Delhi, the 4th May, 1998

S.O. 1055.— Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 2942, dated the 10th October, 1996, issued under sub-section (1) section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), and published in Part-II, Section 3, sub-section (ii) of the Gazette of India, dated the 19th October 1996 the Central Government gave notice of its intention to acquire the rights to mine, quarry, bore dig and search for, win work and carry away minerals in the lands measuring 559.743 hectares (approximately) or 1383.12 acres (approximately) in the locality specified in the Schedule appended to that notification.

And whereas the competent authority in pursuance of section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government after considering the aforesaid report and after consulting the Government of Madhya Pradesh, is satisfied that the rights of mine quarry bore, dig and search for, win work and carry away minerals in the lands measuring 559.743 hectares (approximately) or 1383.12 acres (approximately) described in the Schedule appended hereto should be acquired ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the rights to mine, quarry, bore, dig and search for, win work and carry away minerals in the lands measuring 559.743 hectares (approximately) or 1383.12 acres (approximately) described in the Schedule appended hereto are hereby acquired.

The Plan Bearing No. SECL/BSP/GM (PLG)/Land/196, dated the 22nd November, 1997 of the area covered by this notification may be inspected in the Office of the Collector, Bilaspur (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the South Eastern Coalfields Limited, (Revenue Department) Secpat Road, Bilaspur-495006 (Madhya Pradesh).

## SCHEDULE

## SARAIPALI BLOCK

## KORBA COALFIELDS

## DISTRICT-BILASPUR (MADHYA PRADESH)

Plan No ; SECL/BSP/GM(P LG)/Land/196

Dated 22nd November, 1997

## MINING RIGHTS

S. No.	Village	Patwari halka number	Tahsil	District	Area in hectares	Remarks
1.	Domia	25	Katghora	Bilaspur	57.414 Part	
2.	Saraipali	25	Katghora	Bilaspur	31.092 Part	
3.	Budbud	25	Katghora	Bilaspur	443.690 Part	
4.	Rahadih	25	Katghora	Bilaspur	27.547 Part	

Total : 559.743 hectares OR 1383.12 acres  
(approximately) (approximately)

## 1. Plot numbers acquired in village Domia (Part)

1/1(Part), 1/2 (Part), 2(Part), 3 (Part), 4 (Part), 5 (Part), 149, 150 (Part).

## 2. Plot numbers acquired in village Sariapali (Part)

9/1 (Part), 10 (Part), 11, 12, 13, 14 (Part), 15, 16 (Part), 17 (Part), 18, 19, 20, 21 (Part), 22 (Part), 23 (Part), 24, 25 (Part), 26 (Part).

## 3. Plot numbers acquired in village Rahadih (Part)

54 (Part), 55 (Part), 56, 57, 58, 59 (Part), 60 (Part), 77 (Part), 90 (Part), 96 (Part), 97 to 100, 101 (Part), 102, 103 (Part).

## 4. Plot numbers acquired in village-Budbud (Part)

1/1 (Part), 26/3 (Part), 27/1 (Part), 27/2 (Part), 30 (Part), 31 (1)(Part), 32 (Part), 34 (Part), 35, 36, 37/1 (Part), 37/2 (Part), 37/3, 37/4, 38, 39/1, 39/2, 40 to 62, 63 (Part), 64 (Part), 65 (Part), 66 (Part), 67 (Part), 68, 69, 70 (Part), 71 to 121, 122/1, 122/2, 122/3, 122/4, 122/5, 123 to 132, 133 (Part), 134 (Part), 135 (Part), 137 (Part), 138 (Part), 139, 140/1, 140/2, 141, 142, 143, 144/1, 144/2, 145 to 251, 252/1, 252/2, 253 to 282, 283/1 (Part), 283/2, 283/3 (Part), 283/4 (Part), 284, 285 (Part), 286, 287/1, 287/2, 288 to 361, 362/1, 362/2, 363 to 372, 373/1 (Part), 374, 406/1 (Part), 407 (Part), 408 (Part), 411 (Part), 412, 413 (Part), 414, 415, 416 (Part), 418, 419 (Part), 420, 421, 422, 423/1, 423/2, 424, 425, 426 (Part), 427 to 448, 449/1, 449/2, 450 to 453, 459 (Part), 466 (Part), 467 (Part), 468 (Part), 469 to 473, 474 (Part), 475, 476, 477 (Part), 478, 479 (Part), 480, 481 (Part), 482 to 489, 490/1 (Part), 497 (Part), 502 (Part), 504 (Part), 513/1 (Part), 548 (Part), 550 (Part), 553 (Part), 554 to 564, 565/1, 565/2, 566 to 595, 596/1, 596/2, 597 to 602, 603/1, 603/2, 604 to 608, 609/1, 609/2, 610 to 621, 622 (Part), 623 (Part), 624/1 (Part), 625 to 640, 641 (Part), 642 (Part), 658 to 662, 663/1, 663/2, 663/3, 663/4.

## BOUNDARY DESCRIPTION

- A—A1—A2—B Line starts from point 'A, and passes partly along the common boundary of villages—Budbud and Kerajharia and passes through plot numbers 623, 622, 624/1, 642, 641 of village Budbud and then Northern Boundary of Plot number 640, 639, 638, 660, 659, 658 and proceeds partly along the common boundary of villages—Budbud and Saraipali then through plot numbers 10, 16, 17, 9/1, 22, 21, 23, 25, 26, 14 of villages Saraipali and meet at point B<sup>2</sup>.
- B—C Line passes through the plot numbers 1/1, 150, 1/1 of village—Domia and meet at point 'C'.
- C—D Line passes through Plot numbers 1/1, 1/2, 2, 3, 4, 5, of village Domia and then through plot numbers 103, 101, 103, 96, 90, 60, 59, 55, 77, 54, 77 of village Rahadin and then through plot numbers 553, 550, 283/1, 550, 283/4, 283/8, 285, 548, 490/1, 481, 479, 477, 497, 502, 474, 504, 468, 467, 466, 459, 426, 513/1, of village Budbud and meet at point 'D'.
- D—E Line passes through plot numbers 513/1, 419, 513 /1, 416, 413, 411, 408, 407, 406/1, 373/1, 37/2, 37/1, 26/3, 27/1, 27/2, 34, 32, 30, 31, 1/1 of village Budbud and meet at point 'E'.
- E—A Line passes through plot numbers 1/1, 63, 64, 65, 66, 67, 70, 135, 134, 133, 138, 137 of village Budbud and meet the starting at point 'A, on the common boundary of village Budbud—Kerajharia.

[No. 43015/15/95—LSW/CA]

P. K. G. NAIR, Under Secy.

नई दिल्ली, 4 मई, 1998

का. आ. 1056:—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 7 की उपधारा (i) के अधीन भारत सरकार के कोयला मंत्रालय की अधिसूचना सं० का०आ० 2018, तारीख 3 जुलाई, 1995 को भारत के राजपत्र भाग 2 खण्ड 3, उपखण्ड (ii) तारीख 22 जुलाई, 1995 में प्रकाशित की गई थी, द्वारा उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि को अर्जन करने के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी से उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और बिहार सरकार में परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 738.75 एकड़ (लगभग) या 299.09 हेक्टर (लगभग) माप वाली भूमि अर्जित की जानी चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि 3 उक्त अनुसूची में वर्णित 738.75 एकड़ (लगभग) या 299.09 हेक्टर (लगभग) माप वाली भूमि अर्जित कर ली गई है।

2. इस अधिसूचना के अधीन अर्जित होने वाले क्षेत्र के सं. राजस्व/1/96, तारीख 15-1-96 वाले रेखांक का निरीक्षण उपायुक्त हजारीबाग (बिहार) के कार्यालय में, या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट कलकत्ता के कार्यालय में, या सेन्ट्रल कोलफील्ड्स लि० (राजस्व अनुभाग) दरभंगा हाउस, रांची, बिहार के कार्यालय में किया जा सकता है।

अनुसूची  
सुगिया ब्लॉक विस्तार  
जिला हजारीबाग (बिहार)

रेखांक संख्या, राजस्व/1/96

तारीख 15-1-1996

(अर्जित की गई भूमि को दर्शाते हुए)

सर्वाधिकार

संख्यांक	ग्राम थाना	थाना जिला मं०	क्षेत्र एकड़ में	क्षेत्र हेक्टर में	टिप्पणियां
1. करमा	मंडु	176 हजारीबाग	125.25	50.70	भाग
2. सुगिया	मंडु	177 हजारीबाग	613.50	248.39	भाग

कुल क्षेत्र 738.75 एकड़ (लगभग)  
या 299.09 हेक्टर (लगभग)

ग्राम करमा में अर्जित प्लॉट सं.:—3282 (भाग), 3642 (भाग), 3643, 3644, 3645 (भाग), 3646 (भाग), 4019 (भाग), 4140 और 4141 ग्राम सुगिया में अर्जित प्लॉट सं.:—1 से 105, 106 (भाग), 107 से 126, 127 (भाग), 131 (भाग), 393 से 401, 402 (भाग), 439 से 442, 452 (भाग), 453 से 458, 523 (भाग), 564 (भाग), 599 (भाग), 600, 601 (भाग), 602 से 605, 606 (भाग), 608, 613 (भाग), 614 से 659, 660 (भाग), 661 से 678, 679 (भाग), 680 से 722, 723 (भाग), 724 से 726, 727 (भाग), 728, 729, 730, 732 से 740, 778, 779, 780 (भाग), 781 (भाग), 782 से 791, 792 (भाग), 794 (भाग), 795 (भाग), 796 797, 798, (भाग), 801 (भाग), 802, 803 (भाग), 804 (भाग), 808 (भाग), 812 (भाग), 884 (भाग), 930 (भाग), 931 (भाग), 933 (भाग), 940, 941, 955 और 956।

सीमा वर्णन

क—क	रेखा, नाला की मध्य लाइन (जो भागतः करमा और बहुडाखाप ग्रामों सम्मिलित सीमा है) के भाग के साथ-साथ जाती है और बिन्दु "ख" पर मिलती है।
ख—ग	रेखा नाला की मध्य लाइन (जो भागतः सुगिया और बहुडाखाप ग्राम की सम्मिलित सीमा है) साथ-साथ जाती है और बिन्दु "ग" पर मिलती है।
ग—घ	रेखा, दामोदर नदी की मध्य लाइन (जो भागतः सुगिया और कैथा, सुगिया और गोथरडाहा, सुगिया और हुआ, सुगिया और लौहमा ग्रामों की सम्मिलित सीमा है) के भाग के साथ-साथ जाती है और बिन्दु "घ" पर मिलती है।
घ—ङ—च	रेखा, ग्राम सुगिया में प्लॉट सं. 933, 812, 884, 931, 884, 930 और 884 (जो भागतः सुगिया कोयला खान की सम्मिलित सीमा बनाती है) के मध्य से होती हुई जाती है और बिन्दु "च" पर मिलती है।
च—छ	रेखा, ग्राम सुगिया में प्लॉट सं. 884 और 812 के मध्य से होती हुई जाती है और बिन्दु "छ" पर मिलती है।
छ—ज	रेखा, दामोदर नदी के उत्तरी भाग के साथ-साथ जाती है और बिन्दु "ज" पर मिलती है।
ज—झ	रेखा, भागतः ग्राम करमा में प्लॉट सं. 83 की सम्मिलित सीमा से, उसके पश्चात् प्लॉट सं. 727, 780, 781, 792, 794, 795, 798, 801, 804, 803, 723, 679, 808, 660, 106, 660 से होकर, प्लॉट सं. 660, 384, 660, 385, 660, 391, 660, 392 393, 390, 456, 459, 458, 462, 458, 463, 453, 463 की सम्मिलित सीमा से, प्लॉट सं. 453, 451, 455, 454, 442, 443,

439, 435, 440, 438, 401, 438, 402, 103 की सम्मिलित सीमा से प्लॉट सं. 402, 523, 599, 601, 606, 613, 564, 127 और 131 से होती हुई जाती है और बिन्दु "ख" पर मिलती है।

अ—इ—क

रेखा, प्लॉट सं. 4019, 3645 के मध्य से, प्लॉट सं. 3645, 4010, 3646 और 4007 की सम्मिलित सीमा से, प्लॉट सं. 3646, 3642, 3645 और 3282 से होती हुई जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/21/91—एल एस डब्ल्यू / सी ए]

पी. के. जी. नायर, अवर सचिव

New Delhi, the 4th May, 1998

S.O. 1056.—Whereas by the notification of the Government of India in the Ministry of Coal numbers S.O. 2010, dated the 3rd July, 1995, published in the Gazette of India, Part II, section 3, sub-section (ii) dated the 22nd July, 1995 under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Central Government gave notice of its intention to acquire the land specified in the schedule appended to that notification;

And whereas the Competent authority in pursuance of section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government after considering the report aforesaid and after consulting the Government of Bihar is satisfied that the land measuring 738.75 acres (approximately) or 299.09 hectares (approximately) described in the schedule appended hereto should be acquired:

Now, therefore, in exercise of the powers conferred by sub section (1) of section 9 of the said Act, the Central Government hereby declares that the land measuring 738.75 acres (approximately) or 299.09 hectares (approximately), described in the said schedule are hereby acquired:

2. The plans bearing No. Rev/1/96 dt. 15-1-96 of the area covered by this notification may be inspected in the office of the Deputy Commissioner, Hazaribagh (Bihar) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi, (Bihar).

SCHEDULE  
SUGIA BLOCK EXTENTION  
DISTRICT HAZARIBAGH (BIHAR)

Drg.No.Rev/1/96 dt. 15-1-96

(Showing lands acquired)

All Rights

S. No.	Village	Thana	Thana number	District	Area in acres	Area in Hectares	Remarks
1.	Karma	Mandu	176	Hazaribagh	125.25	50.70 part	
2.	Sugia	Mandu	177	Hazaribagh	613.50	248.39 part	
Total area: 738.75 acres (approximately)							
or							
299.09 hectares (approximately)							

Plot numbers acquired in village Karma:—3282 (Part), 3642 (Part), 3643, 3644, 3645 (Part), 3646 (Part), 4019 (Part), 4140 and 4141.

Plot number acquired in village Sugia:—1 to 105, 106 (Part), 107 to 126, 127 (Part), 131 (Part), 393 to 401, 402 (Part), 439 to 442, 452 (Part), 453 to 458, 523 (Part), 564 (Part), 599 (Part), 600, 601 (Part), 602 to 605, 606 (Part), 608, 613 (Part), 614 to 659, 660 (Part), 661 to 678, 679 (Part), 680 to 722, 723 (Part), 724 to 726, 727 (Part), 728, 729, 730, 732 to 740, 778, 779, 780 (Part), 781 (Part), 782 to 791, 792 (Part), 794 (Part), 795 (Part), 796, 797, 798 (Part), 801 (Part), 802, 803 (Part), 804 (Part), 808 (Part), 812 (Part), 884 (Part), 930 (Part), 931 (Part), 933 (Part), 940, 941, 955 and 956.

Boundary description:—

- A—B Line passes along the part cenral line of Nala (which part common boundary of villages Karma and Bhurakhap and meets at point "B".
- B—C Line passes along the central line of Nala (which part common boundary of villages Sugia and Bhurakhap and meets at point "C".
- C—D Line passes along the part central line of River Damodar (which part common boundary of villages Sugia and Kaitha, Sugia and Gobardarha, Sugia and Huhua, Sugia and Lodma) and meets at point "D".
- D—E—F Lines pass through plot nos. 933, 812, 884, 931, 884, 930 and 884 in village Sugia (which forms part common boundary of Sugia Colliery) and meet at point "F".
- F—G Line passes through plot nos. 884 and 812 in village sugia and meets point "G"
- G—H Line passes along the part northern boundary of River Damodar and meets at point "H".
- H—I Line passes along part common boundary of plot no. 83, then through plot nos. 727, 780, 781, 792, 794, 795, 798, 801, 804, 803, 723, 679, 808, 660, 106, 660, common boundary of plot nos. 660, 384, 660, 385, 660, 391, 660, 392, 393, 390, 456, 459, 458, 462, 458, 463, 453, 463 through plot nos. 452 common boundary of plot nos. 453, 451, 455, 454, 442, 443, 439, 435, 440, 438, 401, 438, 402, 403 through plot nos. 402, 523, 599, 601, 606, 613, 564, 127 and 131 in village Sugia and meets at point "I".
- I—J—A lines pass through plot nos. 4019, 3645 common boundary of plot nos. 3645, 4010, 3646 and 4007 through plot nos. 3646, 3642, 3645 and 3282 and meet at starting point "A".

[No.43015/21/91-LSW/CA]

P. K. G. NAIR, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 28 अप्रैल, 1998

का.आ. 1057.—केंद्र सरकार ने भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (क) के अनुसरण में और गुजरात सरकार से परामर्श करने के बाद डा.ए. के. पटेल, बीजापुर (एन.जी.): जिला मेहसाना को 23 मार्च, 1998 से भारतीय आयुर्विज्ञान परिषद के एक सदस्य के रूप में मनोनीत किया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंधों के अनुसरण में केंद्र सरकार एतद्वारा तत्कालीन स्वास्थ्य मंत्रालय, भारत सरकार की अधिसूचना संख्या का.आ. 138, दिनांक 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में शीर्षक "धारा 3 की उपधारा (1) के खंड (क) के अधीन मनोनीत" के अन्तर्गत क्रम संख्या 14 और उससे संबद्ध प्रविष्टियों के स्थान पर निम्नलिखित रखा जायेगा:—

"14 डा. अमृतलाल कालीदास पटेल,

बीजापुर (एन.जी.)

जिला मेहसाना "गुजरात"

[संख्या बी.—11013/3/98—एमई (यूजी)]

एस.के. मिश्रा, डैम्क अधिकारी

पाद टिप्पण:—प्रधान अधिसूचना भारत के राजपत्र में अधिसूचना संख्या का.आ. 138, दिनांक 9 जनवरी, 1960 के द्वारा प्रकाशित की गई थी।



## MINISTRY OF HEALTH &amp; FAMILY WELFARE

(Department of Health)

New Delhi, the 28th April, 1998

S.O. 1057.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), and in consultation with the Government of Gujarat have nominated Dr. A.K. Patel, Vijapur (N. G.), Distt. Mehsana, Gujarat to be a member of Medical Council of India with effect from 23rd March, 1998;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the Government of India in the then Ministry of Health, No. S.O. 138, dated the 9th January, 1960, namely,

In the said notification, under the heading "Nominated under clause (a) of sub-section (1) of section 3," for serial number 14 and the entries relating thereto, the following shall be substituted :—

"14. Dr. Amritlal Kalidas Patel,  
Vijapur (N.G.),  
Distt. Mehsana,  
Gujarat."

[No. V-11013/3/98-ME(UG)]

S. K. MISHRA, Desk Officer

Footnote :—The principal notification was published in the Gazette of India, vide notification No. S.O. 138, dated the 9th January, 1960.

शहरी कार्य और रोजगार मंत्रालय

(शहर विकास विभाग)

(दिल्ली प्रभाग)

नई दिल्ली, 15 मई, 1998

का.आ. 1058.—यतः निम्नांकित क्षेत्रों के बारे में कुछ संशोधन, जिन्हें केन्द्रीय सरकार अधोवर्णित क्षेत्रों के बारे में दिल्ली वृहद योजना/क्षेत्रीय विकास योजना में प्रस्तावित करती है तथा दिल्ली विकास अधिनियम, 1956 (1957 का 61) की धारा 44 के प्रावधानों के अनुसार दिनांक 27-8-94 के नोटिस संख्या-एफ-20 (14)/93-एम पी द्वारा प्रकाशित किये गये थे जिसमें उक्त अधिनियम की धारा 11-ए की उप धारा (3) में अपेक्षित आपत्तियाँ/सुझाव, उक्त नोटिस की तारीख से 30 दिन की अवधि में प्राप्त किये गये थे ।

2. और यतः प्रस्तावित संशोधनों के संबन्ध में जनता से नीचे आपत्तियाँ/सुझाव प्राप्त हुए हैं और यतः केन्द्रीय सरकार ने मामले के सभी पहलुओं पर ध्यानपूर्वक विचार करने के पश्चात् वृहद योजना में संशोधन करने का निर्णय लिया है ।

1306. Q1/98—5

3. अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 11-ए की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से दिल्ली की उक्त वृहद योजना में एतद्वारा निम्नलिखित संशोधन करती है वगैरह कि भवनों की ऊंचाई चार मंजिल से अधिक न हो तथा निर्माण कार्य आरम्भ करने से पहले भारतीय पुरातत्व सर्वेक्षण का पूर्वानुमोदन लिया जाए ।

संशोधन : उप जोन डी-4 (समद मार्ग क्षेत्र), में आने वाला प्लॉट नं. 5, जंतर-मंतर रोड का लगभग एक हेक्टेयर (2.47 एकड़) क्षेत्र, जो उत्तर में प्लॉट नं. 7, दक्षिण में प्लॉट नं. 3, पूर्व में 11.5 मीटर की सड़क लेन तथा पश्चिम में 36.58 मीटर चौड़ी जंतर-मंतर रोड से घिरा है, का भू उपयोग "सार्वजनिक तथा ग्रंथसार्वजनिक सुविधायें से बदनकर विहायणी उपयोग" किया जाता है ।

[सं. के -20013/14/93-डी.डी. I बी.]

के.के. गुप्ता, अवर सचिव

MINISTRY OF URBAN AFFAIRS  
AND EMPLOYMENT

(Department of Urban Development)

(Delhi Division)

New Delhi, the 15th May, 1998

S.O. 1058.—Whereas certain modifications which the Central Government proposed to make in the Master Plan for Delhi/Zonal Development plan regarding the area mentioned here under were published with notice No. F. 20(14)/93-MP dated 27-8-94 in accordance with the provisions of Section 44 of the Delhi Development Act, 1956 (61 of 1957) inviting objections/suggestions as required by sub-section (3) of Section 11-A of the said Act, within thirty days from the date of the said notice.

2. Whereas 3 objections/suggestions were received with regard to the proposed modification and whereas the Central Government have, after carefully considering all aspects of the matter, decided to modify the Master Plan.

3. Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of publication of this Notification in the Gazette of India subject to the condition that height of buildings be limited to 4 storeys and that prior clearance from Archaeological Survey of India would be essential for taking up construction work.

## MODIFICATION :

"The land use of an area measuring about 1 ha. (2.47 acres) of plot No 5, Jantar Mantar Road, falling in zone D-4 (Parliament Street Area) and

bounded by plot No. 7 in the North, plot No. 3 in the South, 11.5 mtrs. Service Lane in the East and 36.58 mtrs. wide Jantar Mantar Road in the West is changed from "Public & Semi Public facilities to residential use".

INo. K-20013/14/93-DDIBI  
K. K. GUPTA, Under Secy.

वस्त्र मंत्रालय

नई दिल्ली, 13 अप्रैल, 1998

का. प्रा. 1059.—केन्द्रीय रेशम बोर्ड अधिनियम, 1948 (1948 का 61वां) की धारा 13 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा केन्द्रीय रेशम बोर्ड नियम, 1955 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है।

1. (1) इन नियमों को केन्द्रीय रेशम बोर्ड (संशोधन) नियम, 1997 कहा जाए।

(2) ये नियम राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. केन्द्रीय रेशम बोर्ड नियम, 1955 के नियम 22 में (कथित नियम के रूप में इसके बाद वर्णित) :—

(क) दूसरे उपबंध के लिए उपनियम (1) में, निम्नलिखित रखा जाएगा, अर्थात् :

“बशर्ते आगे बोर्ड केन्द्रीय सरकार की पूर्वानुमति के बिना 10.00 लाख रु० (सरकारी स्वामित्व की अभिकरणों को सुपुर्देगी अथवा उपकरण के लिए वार्षिक अनुरक्षण संधिदाओं को छोड़कर जब बोर्ड को पूर्ण अधिकार होगा) से अधिक व्यय के किसी संधिदा में शामिल नहीं होगा।”

(ख) उपनियम (3) के लिए, निम्नलिखित रखा जाएगा, अर्थात् :

“(3) उपरोक्त उपनियम (2) के प्रावधान में दिए गए को छोड़कर, बोर्ड स्थायी समिति, सचिव अथवा बोर्ड के किसी अधिकारी को अधिनियम की धारा (4) की उपधारा (3) के खंड (ख) के अन्तर्गत नामित, अध्यक्ष, उपाध्यक्ष तथा बोर्ड के सदस्य जिसे भी उचित समझे, को ऐसी शक्तियां दे सकता है।”

3. उक्त नियमों के नियम 39 में, उपनियम (2) के लिए, निम्नलिखित उपनियम रखा जाएगा, अर्थात् :—

“(2) अधिनियम के उद्देश्य से अथवा के अन्तर्गत की गई प्रत्येक संधिदा नियम 22 में निहित प्रावधानों के अन्तर्गत अध्यक्ष अथवा सचिव द्वारा बोर्ड की ओर से की जाएगी।”

[फाइल स. 25012/18/89-रेशम]

रुक्मणि हल्दिया, संयुक्त सचिव

पाद टिप्पणी : प्रधान नियमों को एस.आर.ओ. सं. 662 दिनांक 23-3-1955 में प्रकाशित किया गया था तथा तदन्तर अधिसूचना सं. 21 (4)/69-वस्त्र (फा.) दिनांक 7-4-1971 तथा 25012/6/83-रेशम दिनांक 24-1-1985 द्वारा संशोधित किया गया था।

## MINISTRY OF TEXTILES

New Delhi, the 13th April, 1998

S.O. 1059.—In exercise of the powers conferred by Section 13 of the Central Silk Board Act, 1948 (LXI of 1948), the Central Government hereby makes the following rules, further to amend Central Silk Board Rules, 1955.

1. (1) These rules may be called Central Silk Board (Amendment) Rules, 1997.

(2) These rules shall come into force on the date of their publication in the official gazette.

2. In rule 22 of the Central Silk Board Rules, 1955 (hereinafter described as the said rules) :—

(a) in sub-rule (1) for second proviso, the following shall be substituted, namely :—

“Provided further the Board shall not enter into any contract involving an expenditure in excess of Rs. 10.00 lakhs (other than entrustment to Government owned agencies or Award of Annual Maintenance Contracts for equipments when the Board shall have full powers, without the prior sanction of the Central Government” ;

(b) for sub-rule (3), the following shall be substituted, namely :—

(3) Except as provided in the provision to sub-rule (2) above, the Board may delegate such powers as it may deem fit to the Chairman, Vice-Chairman and Member of the Board nominated under Clause (b) of sub-section (3) of Section 4 of the Act, Standing Committee, Member Secretary or any Officer of the Board.”

3. In rule 39 of the said rules, for sub-rule (2), the following sub-rule shall be substituted, namely :—

“(2) Every contract made under or for any purpose of the Act shall be made on behalf of the Board by the Chairman or the Secretary subject to provisions contained in Rule 22.”

[File No. 25012/18/89-Silk]

RUKMANI HALDEA, Jt. Secy.

Footnote :—The principal rules were published vide S.R.O. No. 662 dated 23-3-1955 and subsequently amended vide Notification No. 21(4)/69, Tech. (P), dated 7-4-1971 and 25012/6/83-Silk, dated 24-1-1985.

संचार मंत्रालय  
(दूरसंचार विभाग)  
(राजभाषा अनुभाग)

नई दिल्ली, 14 मई, 1998

का.आ. 1060.—केन्द्रीय सरकार, राजभाषा (संघ के आसक्ति प्रयोजनों के लिये प्रयोग) नियम 1976 के नियम 10(4) के अनुसरण में संचार मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों का, जिनमें 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

उत्तर प्रदेश परिमण्डल, लखनऊ

दूरसंचार मंडल अभियन्ता, बस्ती

[सं.ई-11016/1/98-रा.भा.]

आर.डी. मासीवाल, निदेशक (राजभाषा)

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

(Official Language Section)

New Delhi, the 14th May, 1998

S.O.1060.—In pursuance of rule 10 (4), of the official language (use for official purpose of the union), rules, 1976 the Central Government hereby notifies following offices under the administrative control of Ministry of Communications, Department of Telecommunications where of more than 80% staff have acquired working knowledge of Hindi.

Eastern Uttar Pradesh Telecom Circle, Lucknow  
Telecom Divisional Engineer, Basti.

[No. E-11016/1/98-O.L.]

R. D. MASIWAL, Director (Official Language)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 8 मई, 1998

का.आ. 1061.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारत सरकार, के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की दिनांक 18 अगस्त, 1993 की अधिसूचना का.आ. संख्या 1855 के अधिक्रमण में, ऐसे अधिक्रमण से पूर्व किए गए अथवा न किए गए ऐसे कार्यों के सिवाय एतद्वारा नीचे तालिका के कालम 2 में उल्लिखित आयल इंडिया लिमिटेड के अधिकारियों को, जोकि सरकार के राजपत्रित अधिकारियों के वर्ग के बराबर के अधिकारी हैं, कथित अधिनियम के उद्देश्यों से संपदा अधिकारी होने के लिए नियुक्त करती है जो प्रदत्त शक्तियों का प्रयोग करेंगे तथा कथित तालिका के कालम 3 में समवर्ती प्रविष्टि के अन्तर्गत विनिर्दिष्ट सार्वजनिक परिसरों की श्रेणियों के संबंध में अपने संबंधित अधिकार क्षेत्र की स्थानीय सीमाओं के अन्तर्गत कथित अधिनियम द्वारा अथवा उसके अधीन संपदा अधिकारियों पर अधिरोपित कर्तव्यों का निष्पादन करेंगे :

तालिका

क्र. सं०	अधिकारी का पदनाम	सरकारी स्थान की श्रेणियां तथा अधिकार क्षेत्र की स्थानीय सीमाएं
1	2	3
1.	आयल इंडिया लिमिटेड के नई दिल्ली स्थित कार्यालय में वरिष्ठ प्रबंधक (प्रशासन)	आयल इंडिया लिमिटेड, दिल्ली तथा नोएडा, उ०प्र० के प्रशासनिक नियंत्रणाधीन परिसर।
2.	आयल इंडिया लिमिटेड के दुलियाजान स्थित क्षेत्र मुख्यालय में वरिष्ठ प्रबंधक (प्रशासन), वरिष्ठ प्रबंधक (भूमि), वरिष्ठ भूमि अधिकारी वरिष्ठ प्रबंधक (सुरक्षा), प्रबंधक (सुरक्षा)	आयल इंडिया लिमिटेड, दुलियाजान, असम के क्षेत्र मुख्यालय के प्रशासनिक नियंत्रणाधीन परिसर।
3.	गुवाहाटी स्थित आयल इंडिया लिमिटेड के पाइप लाइन मुख्यालय में उप महाबंधक (पाइपलाइन)/वरिष्ठ भूमि अधिकारी	आयल इंडिया लिमिटेड, गुवाहाटी के पाइपलाइन विभाग के प्रशासनिक नियंत्रणाधीन परिसर।
4.	भुवनेश्वर स्थित आयल इंडिया लिमिटेड के परियोजना कार्यालय में परियोजना प्रबंधक/वरिष्ठ प्रशासनिक अधिकारी, कलकत्ता स्थित कार्यालय में परियोजना प्रबंधक/वरिष्ठ प्रशासनिक अधिकारी, जोधपुर स्थित आयल इंडिया लिमिटेड के परियोजना कार्यालय में उप महा प्रबंधक (आर पी)/वरिष्ठ प्रबंधक (प्रशासन)	आयल इंडिया लिमिटेड की भुवनेश्वर, कलकत्ता एवं जोधपुर स्थित, जैसा भी मामला हो, संबंधित परियोजनाओं/कार्यालयों के प्रशासनिक नियंत्रणाधीन परिसर।
5.	नोएडा, उ०प्र० स्थित आयल इंडिया लिमिटेड की गंगा घाटी परियोजना में परियोजना प्रबंधक/प्रशासनिक अधिकारी।	आयल इंडिया लिमिटेड, नोएडा, उ० प्र० के परियोजना कार्यालय के प्रशासनिक नियंत्रणाधीन परिसर।
6.	गुवाहाटी स्थित आयल इंडिया लिमिटेड की ऋतुपुत्र घाटी अन्वेषण परियोजना में उप महा-प्रबंधक (ऋतुपुत्र घाटी अन्वेषण परियोजना)/वरिष्ठ प्रबंधक (प्रशासन)/वरिष्ठ प्रशासनिक अधिकारी	परियोजना कार्यालय आयल इंडिया लि., गुवाहाटी के प्रशासनिक नियंत्रणाधीन परिसर।
7.	राजकोट, गुजरात स्थित आयल इंडिया लिमिटेड की सौराष्ट्र अन्वेषण परियोजना में मुख्य प्रबंधक (सौराष्ट्र अन्वेषण परियोजना)/प्रबंधक (प्रशासन)।	परियोजना कार्यालय, आयल इंडिया लि., राजकोट, गुजरात के प्रशासनिक नियंत्रणाधीन परिसर।

[सं. ओ-20011/20/89-ओ. एन. जा.-4/3]

हरीश कुमार, हेड अधिकारी

## MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 8th May, 1998

S.O. 1001.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government in supersession of the Notification of the Government of India, in the Ministry of Petroleum and Natural Gas, S.O. No. 1855, dated the 18th day of August, 1993, except as respects things done or omitted to be done before such supersession, hereby appoints the Officers of the Oil India Limited, mentioned in Column 2 of the table below, being officers equivalent to the rank of Gazetted Officer of the Government, to be Estate Officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officers by or under the said Act within the local limits of their respective jurisdiction, in respect of the categories of public premises specified in the corresponding entry in column 3 of the said Table:—

TABLE

Sl. No.	Designation of the Officer	Categories of Public premises and the local limits of jurisdiction
1	2	3
1.	Senior Manager (Administration) in the office of Oil India Limited at New Delhi.	Premises under the administrative control of Oil India Limited, Delhi and NOIDA, U.P.
2.	Senior Manager (Administration), Senior Manager (Land), Senior Land Officer, Senior Manager (Security), Manager (Security) in the Fields Head-quarter of Oil India Limited, Duliajan.	Premises under the administrative control of the Fields Head-quarter of Oil India Limited, Duliajan, Assam.
3.	Deputy General Manager (Pipeline)/Senior Land Officer	Premises under the administrative control of the Pipeline Depart-

1	2	3
	in the Pipeline Headquarters of Oil India Limited at Guwahati.	ment of Oil India Limited, Guwahati.
4.	Project Manager/Senior Administrative Officer in the Project Office of Oil India Limited at Bhubaneswar, Project Manager/Senior Administrative Officer in the Office at Calcutta, Deputy General Manager (RP)/Senior Manager (Administration) in the Project Office of Oil India Limited at Jodhpur.	Premises under the administrative control of the respective Projects/Offices of Oil India Limited at Bhubaneswar, Calcutta and Jodhpur as the case may be.
5.	Project Manager/Administrative Officer in Ganga Valley Project of Oil India Limited at NOIDA, U.P.	Premises under the administrative control of the Project Office of Oil India Limited, NOIDA, U.P.
6.	Deputy General Manager (Brahmaputra Valley Exploration Project)/Senior Manager (Administration)/Senior Administrative Officer in Brahmaputra Valley Exploration Project of Oil India Limited at Guwahati.	Premises under the administrative control of the Project Office, Oil India Limited, Guwahati.
7.	Chief Manager (Saurashtra Exploration Project)/Manager (Administration) in Saurashtra Exploration Project of Oil India Limited at Rajkot, Gujarat.	Premises under the administrative control of the Project Office, Oil India Limited, Rajkot, Gujarat.

[No. O-20011/20/89-ONG. IV/III]  
HARISH KUMAR, Desk Officer

नई दिल्ली, 20 मई, 1998

का. आ. 1062.—पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का. 50 वां) की धारा 2 के खण्ड (ए) के अनुसरण में केन्द्रीय सरकार एतद्वारा नीचे दी गई अनुसूची के कॉलम-1 में उल्लिखित क्षेत्र में उल्लिखित प्राधिकारी को अनुसूची के कॉलम-3 के अनुसार उक्त अधिनियम के अन्तर्गत सक्षम प्राधिकारी के रूप में कार्य करने के लिए एतद्वारा प्राधिकृत करती है।

## अनुसूची

प्राधिकारी	पता	अधिकार क्षेत्र
1	2	3
तहसीलदार	गैस अथॉरिटी ऑफ इंडिया लिमिटेड, ए-9, सेक्टर-19, नोएडा (उत्तर प्रदेश)	संपूर्ण हरियाणा राज्य

[संख्या एल-14014/1/98-जी. पी.]  
आई. एम. एन. प्रसाद, उप सचिव

New Delhi, the 20th May, 1998

S.O.1062.—in pursuance of clause (a) of Section 2 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962) the Central Government hereby authorizes the authority mentioned in column-1 of the schedule below to perform the function of Competent Authority under the said Act within the area mentioned in the corresponding entry in the column 3 of the said schedule.

## SCHEDULE

Authority	Address	Territorial Jurisdiction
1	2	3
Tehsildar	Gas Authority of India Ltd. A-9, Sector 19, Noida, Distt. Ghaziabad U.P.	Whole Haryana State

[No. L-14014/1/98-GP]  
I.S.N. PRASAD, Dy. Secy.

नई दिल्ली, 21 मई, 1998

कां.आ. 1063.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में तरल पेट्रोलियम गैस लाने के लिए कान्डला-जामनगर-लोनी गैस पाइप लाइन वाली लाईन और गड् पाइप लाइन गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उन कार्य के लिए इसके संलग्न विवरणों में निम्नलिखित भूमि पर प्रयोजन का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोजन) का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड-3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उक्त पर प्रयोजन का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्णित कि उक्त भूमि में अपनी स्वच्छ रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिनों के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लि., कान्डला-जामनगर-लोनी गैस पाइप लाइन प्रोजेक्ट ए-9, सेक्टर-19 नोएडा गौतमबुद्ध नगर (उ.प्र.) में दर्ज कर सकता है।

और ऐसी आपत्ति दर्ज करते समय किसी भी व्यक्ति को यह विशेष खरा से निर्दिष्ट करना होगा कि वह व्यक्ति-गत रूप से अथवा विधि व्यवसायिक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

## अनुसूची

## कान्डला-जामनगर-लोनी पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	खमरा नं.	अर्जित क्षेत्रफल हेक्टेयर में	विवरण
1	2	3	4	5	6	7
गजियाबाद	गजियाबाद	लोनी	अरसला	1755	0.1533	
				1754	0.0012	
				1757	0.0002	
				1756	0.0793	
				1764	0.0384	
				1760	0.1096	
				1761	0.1077	
				1762	0.1879	
				1763	0.0300	
				1794	0.1591	
				1795	0.1059	

1	2	3	4	5	6	7
गजियाबाद	गजियाबाद	लोनी	ग्रयसा	1796	0.0516	
				1814	0.0126	
				1815	0.2398	
				1706	0.0180	
				1816	0.0021	
				1705	0.0628	
				1708	0.0898	
				1709	0.0942	
				1701	0.0034	
				1704	0.0151	
				1703	0.4503	
				1702	0.0359	
				1644	0.0616	
				1643	0.0256	
				1642	0.0240	
				1641	0.0598	
				1455	0.0615	
				1456	0.0068	
				1454	0.3195	
				1453	0.5254	
				1452	0.1192	
				1451	0.0834	
				1641	0.0293	
				1450	0.0136	
				1449	0.0586	
				1447	0.0416	
				1446	0.7207	
				1418	0.6964	
				1429	0.0068	
				1425	0.0022	
				1424	0.0132	
				1423	0.1900	
				1422	0.4865	
				1059	0.0548	
				1421	0.0873	
				1420	0.0400	
				1419	0.0522	
				1119	0.0368	
				1120	0.0183	
				1121	0.0202	
				1403	0.0282	
				1402	0.0449	
				1339	0.0526	
				1340	0.0799	
				1347	0.0637	
				1316	0.1334	
				1349	0.0611	

1	2	3	4	5	6	7
गाजियाबाद	गाजियाबाद	लोनी	अरथला	1350	0.0799	
				1352	0.0833	
				1351	0.0099	
				1353	0.1029	
				1355	0.0066	
				1359	0.5046	
				1398	0.1515	
				1371	0.1279	
				1372	0.1083	
				1373	0.2766	
				1389	0.0878	
				1388	0.1732	
				1380	0.0689	
				1374	0.2374	
				1205	0.0888	
				1208	0.0376	
				1209	0.0518	
				1213	0.0022	
				1212	0.0425	
				1210	0.0601	
				1203	0.0941	
				1198	0.0771	
				1197	0.0083	
				1192	0.0115	
				1193	0.0891	
				1187	0.0643	
			योग	84	9.0135	
गाजियाबाद	गाजियाबाद	लोनी	करहेड़ा	3081	0.0029	
				3080	0.0264	
				3075	0.0381	
				3074	0.0219	
				3068	0.0237	
				3066	0.0034	
				3069	0.0236	
				3067	0.0452	
				3065	0.0325	
				3062	0.434	
				3061	0.0108	
				3056	0.0526	
				3055	0.1045	
				3028	0.0009	
				3029	0.0137	
				3030	0.0312	
				3031	0.0011	
				3034	0.0454	
				3035	0.0319	
				3036	0.0310	
				3037	0.0138	
				3038	0.0205	
				3039	0.0205	

1	2	3	4	5	6	7
गाजियाबाद	गाजियाबाद	लोनी	करहेड़ा	3047	0.0078	
				3046	0.0374	
				3040	0.0371	
				3041	0.0011	
				3043	0.0003	
				3042	0.0110	
				2838	0.0650	
				2834	0.0854	
				2835	0.0457	
				2830	0.0139	
				2829	0.0036	
				2816	0.0342	
				2815	0.0244	
				2814	0.0110	
				2817	0.0090	
				2813	0.0035	
				2812	0.0385	
				2751	0.0193	
				2754	0.0481	
				2752	0.0075	
				2753	0.0441	
				2745	0.0230	
				2743	0.0251	
				2744	0.0102	
				2739	0.0441	
				2720	0.0292	
				2738	0.0003	
				2721	0.0358	
				2716	0.0381	
				2712	0.0368	
				2711	0.0001	
				2680	0.0210	
				2681	0.0207	
				2682	0.0357	
				2683	0.0152	
				2679	0.0112	
				2678	0.0016	
				2684	0.0597	
				2686	0.0069	
				कार्ट ट्रैक	0.0222	
				2412	0.0001	
				2415	0.0332	
				2416	0.0299	
				2414	0.0017	
				2417	0.0031	
				2418	0.0274	
				2419	0.0015	
				2386	0.0075	
				2385	0.0358	
				2387	0.0001	
				2384	0.0456	
				2380	0.0109	
				2383	0.0064	
				2381	0.1007	



1	2	3	4	5	6	7
गाजियाबाद	गाजियाबाद	सोनी	करहेड़ा	2378	0.0006	
				2312	0.0888	
				2307	0.0494	
				2313	0.0153	
				2314	0.0227	
				2315	0.0491	
				2306	0.0008	
				2318	0.0846	
				2319	0.0003	
				2325	0.0400	
				2326	0.0646	
				2324	0.0101	
				2327	0.0581	
				2328	0.0625	
				2329	0.0254	
				2216	0.0104	
				2330	0.0198	
				2331	0.0194	
				डी. पी.	0.0444	
				2334	0.0049	
				2207	0.0687	
				2317	0.0190	
				2206	0.0592	
				2205	0.0310	
				2195	0.0083	
				2204	0.0098	
				2200	0.0002	
				2199	0.0869	
				2143	0.0003	
				2198	0.0405	
				2178	0.0030	
				2145	0.0219	
				2146	0.0862	
				2149	0.0572	
				2150	0.0500	
				2153	0.0607	
				2154	0.0454	
				2166	0.0425	
				2165	0.0188	
				2164	0.0128	
				2158	0.0793	
				2160	0.0001	
				2159	0.1036	
				2161	0.0001	
				2157	0.0091	
				2010	0.0350	
				2011	0.0764	
				2204	0.5809	

1	2	3	4	5	6	7
गाजियाबाद	गाजियाबाद	लोनी	करहेड़ा	1908	0.0208	
				1910	0.0610	
				1911	0.0182	
				1914	0.0063	
				1909	0.0449	
				1912	0.0486	
				1913	0.0166	
			योग	132	4.5290	
गाजियाबाद	गाजियाबाद	लोनी	मेवालाग्रही	749	0.1083	
				752	0.1739	
				748	0.0037	
				753	0.0518	
				754	0.0780	
				755	0.0823	
				756	0.0678	
				757	0.0757	
				760	0.0933	
				761	0.1509	
				765	0.0151	
				764	0.1130	
				766	0.0434	
				768	0.0154	
				769	0.0140	
				767	0.0673	
				770	0.0070	
				773	0.2221	
				624	0.1579	
				621	0.0561	
				622	0.0499	
				619	0.1097	
				616	0.0139	
				618	0.0019	
				617	0.0498	
				591	0.0216	
				590	0.0531	
				587	0.0255	
				589	0.0551	
				588	0.0688	
				586	0.0471	
				581	0.0698	
				580	0.0021	
				582	0.1052	
			योग	34	2.2705	

1	2	3	4	5	6	7
गाजियाबाद	गाजियाबाद	लोनी	अमावतपुर	1129	0.0382	
				1130	0.0286	
				1134	0.0400	
				1135	0.0480	
				1141	0.0487	
				1142	0.2046	
				1122	0.0251	
				1115	0.0196	
				1110	0.0211	
				1106	0.0359	
				1105	0.0711	
				1101	0.2114	
				1099	0.0163	
				1100	0.0997	
				1098	0.0011	
				1096	0.0260	
				1095	0.0850	
				1097	0.0134	
				1004	0.1514	
				957	0.8324	
				960	0.0226	
				824	0.0761	
				823	0.0122	
				822	0.0986	
				821	0.1067	
				800	0.0117	
				799	0.0213	
				978	0.0577	
				796	0.0333	
				797	0.0188	
				795	0.0021	
				794	0.1125	
				874	0.1326	
				792	0.0156	
				775	0.0099	
				783	0.0982	
				776	0.0872	
				777	0.0071	
				770	0.0123	
				769	0.1227	
				767	0.0900	
				757	0.0819	
				756	0.0129	
				684	0.0183	
				685	0.1276	
				683	0.0001	

1	2	3	4	5	6	7
गाजियाबाद	गाजियाबाद	लोनी	असालतपुर	682	0.0989	
				681	0.0693	
				680	0.0221	
				687	0.0107	
				712	0.0947	
				711	0.0374	
				707	0.0101	
				708	0.0756	
				709	0.0671	
				710	0.0393	
				706	0.0212	
				704	0.0818	
			चकरोड		0.0106	
				557	0.0165	
				556	0.0586	
				555	0.0480	
				554	0.0073	
				553	0.0452	
				552	0.0680	
				551	0.0076	
				550	0.0036	
			चकरोड		0.0328	
				546	0.0226	
				542	0.1015	
				541	0.0987	
				530	0.0138	
				529	0.0981	
				1	0.0563	
				4	0.0358	
				5	0.1956	
				6	0.0048	
				7	0.0015	
				23	0.0181	
				32	0.0387	
			योग	81	5.0483	
गाजियाबाद	गाजियाबाद	लोनी	भनेड़ा	643	0.0076	
				644	0.0857	
				642	0.3926	
				627	0.0912	
				628	0.2516	
				622	0.0534	
				621	0.0970	
				413	0.0148	
				391	0.4259	
				390	0.0562	

1	2	3	4	5	6	7
गाजियाबाद	गाजियाबाद	लोनी	भनेड़ा	389	0.0101	
				388	0.6309	
				380	0.0076	
				379	0.0101	
				378	0.1115	
				371	0.0057	
				375	0.0278	
				370	0.2125	
				369	0.708	
				368	0.0859	
				367	0.0084	
				365	0.0085	
				366	0.0903	
				364	0.1366	
				363	0.0010	
				योग 26	2.9074	

गाजियाबाद	गाजियाबाद	लोनी	गरीफाबाद	679	0.0129
			राजपुरं	678	0.0729
				677	0.0481
				676	0.0011
				680	0.0198
				681	0.1590
				682	0.0178
				683	0.1746
				685	0.0063
				686	0.0202
				687	0.0161
				692	0.5108
				691	0.0499
				690	0.0132
				689	0.1096
				713	0.0156
				714	0.0139
				717	0.0534
				716	0.1239
				715	0.2187
				515	0.0488
				514	0.3422
				522	0.0674
				518	0.0001
				519	0.0527
				520	0.0551
				521	0.0572
				523/784	0.0100
				524	0.4448

1	2	3	4	5	6	7
गाजियाबाद	गाजियाबाद	लोनी	शारीफाबाद	509	0.0090	
			राजपुर	508	0.0254	
				498	0.3115	
				499	0.0181	
				500	0.0111	
				योग 34	3.1112	
गाजियाबाद	गाजियाबाद	लोनी	नारायन नगर	477	0.0030	
			उर्फ रामपुर	461	0.1511	
				476	0.0200	
				462	0.1164	
				475	0.0077	
				474	0.0085	
				473	0.0074	
				472	0.0084	
				471	0.0148	
				470	0.0176	
				459	0.0164	
				469	0.0114	
				468	0.0078	
				467	0.0089	
				466	0.0113	
				458	0.0574	
				457	0.0140	
				465	0.0492	
				464	0.0086	
				456	0.0052	
				463	0.0360	
				444	0.0108	
				136	0.0020	
				138	0.1030	
				137	0.3603	
				140	0.0491	
				141	0.0383	
				139	0.0279	
				158	0.0096	
				157	0.0435	
				156	0.1247	
				152	0.2479	
				154	0.0266	
				153	0.0487	
				170	0.0220	
				177	0.0832	
				217	0.0115	
				218	0.0167	

1	2	3	4	5	6	7
गाजियाबाद	गाजियाबाद	लोनी	नरायन नगर	285	0.0704	
			उर्फ रामपुर	286	0.1793	
				272	0.0121	
				271	0.0510	
				270	0.0656	
				269	0.0782	
				265	0.0313	
				289	0.0045	
				290	0.0854	
				264	0.0247	
				291	0.0607	
				292	0.0840	
				293	0.0024	
				103	0.0183	
				81	0.0667	
				80	0.0593	
				79	0.0437	
				82	0.0199	
				85	0.0920	
				86	0.1177	
				87	0.0954	
				88	0.0618	
				93	0.0421	
				92	0.1241	
				91	0.1663	
				78	0.0003	
			योग	64	3.5234	
गाजियाबाद	गाजियाबाद	लोनी	बन्धना	587	0.2425	
				588	0.3375	
				591	0.1146	
			काटे ट्रैक		0.0395	
				518	0.3124	
				519	0.1627	
				524	0.0635	
				525	0.0832	
				526	0.1011	
				477	0.0486	
				476	0.0400	
				475	0.0688	
			नहर		0.1837	
				372	0.2314	
				373	0.0446	
				374	0.1245	
				375	0.0219	
				443	0.1199	
				111	0.0005	
			योग-19		2.3409	

New Delhi, the 21st May, 1998

S.O. 1063.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquid Petroleum Gas through Kandla-Jamnagar-Loni Pipeline Project in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Kandla-Jamnagar-Loni pipeline Project, A-9, Sector-19, Noida, Gautam Budh Nagar (U P)

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

**CASE SCHEDULE**  
**Kandla-Jamnagar-Loni Pipeline Project**

District	Tehsil	Pargana	Village	Plot No.	Acquired area in Hectare	Remarks
1	2	3	4	5	6	7
Ghaziabad	Ghaziabad	Loni	Arthla	1755	0.1533	
				1754	0.0012	
				1757	0.0002	
				1756	0.0793	
				1764	0.0384	
				1760	0.1096	
				1761	0.1077	
				1762	1 1879	
				1763	0.0300	
				1794	0.1591	
				1795	0.1059	
				1796	0.0516	
				1814	0.0126	
				1815	0.2398	
				1706	0.0180	
				1816	0.0021	
				1705	0.0628	
				1708	0.0898	
				1709	0.0942	
				1701	0.0034	
				1704	0.0151	
				1703	0.4503	
				1702	0.0359	
				1644	0.0616	
				1643	0.0256	
				1642	0.0240	
				1641	0.0598	
				1455	0.0615	
				1456	0.0068	
				1454	0.3195	
				1453	0.5254	
				1452	0.1192	



1	2	3	4	5	6	7
Ghaziabad	Ghaziabad	Loni	Arthla	1451	0.0834	
				1641	0.0293	
				1450	0.0136	
				1449	0.0586	
				1447	0.0416	
				1446	0.7207	
				1418	0.6964	
				1429	0.0068	
				1425	0.0022	
				1424	0.0132	
				1423	0.1900	
				1422	0.4865	
				1059	0.0548	
				1421	0.0873	
				1420	0.0400	
				1419	0.0522	
				1119	0.0368	
				1120	0.0183	
				1121	0.0202	
				1403	0.0282	
				1402	0.0449	
				1339	0.0526	
				1340	0.0799	
				1347	0.0637	
				1346	0.1334	
				1349	0.0611	
				1350	0.0799	
				1352	0.0833	
				1351	0.0099	
				1353	0.1029	
				1355	0.0066	
				1359	0.5046	
				1398	0.1515	
				1371	0.1279	
				1372	0.1083	
				1373	0.2766	
				1389	0.0878	
				1388	0.1732	
				1380	0.0689	
				1374	0.2374	
				1205	0.0888	
				1208	0.0376	
				1209	0.0518	
				1213	0.0022	
				1212	0.0425	
				1210	0.0601	
				1203	0.0941	
				1198	0.0771	
				1197	0.0083	
				1192	0.0115	
				1193	0.0891	
				1187	0.0643	
Total				84	9.0135	

1	2	3	4	5	6	7
Ghaziabad	Ghazabad	Loni	Karhera	3081	0.0029	
				3080	0.0264	
				3075	0.0381	
				3074	0.0219	
				3068	0.0237	
				3066	0.0034	
				3069	0.0236	
				3067	0.0452	
				3065	0.0325	
				3062	0.0434	
				3061	0.0108	
				3056	0.0526	
				3055	0.1045	
				3028	0.0009	
				3029	0.0137	
				3030	0.0312	
				3031	0.0011	
				3034	0.0454	
				3035	0.0319	
				3036	0.0310	
				3037	0.0138	
				3038	0.0205	
				3039	0.0205	
				3047	0.0078	
				3046	0.0374	
				3040	0.0371	
				3041	0.0011	
				3043	0.0003	
				3042	0.0110	
				2838	0.0605	
				2834	0.0854	
				2835	0.0457	
				2930	0.0139	
				2829	0.0036	
				2816	0.0342	
				2815	0.0244	
				2814	0.0110	
				2817	0.0090	
				2813	0.0035	
				2812	0.0385	
				2751	0.0193	
				2754	0.0481	
				2752	0.0075	
				2753	0.0441	
				2745	0.0230	
				2743	0.0251	
				2744	0.0102	
				2739	0.0441	
				2720	0.0292	
				2738	0.0003	
				2721	0.0358	
				2716	0.0381	
				2712	0.0368	
				2711	0.0001	
				2680	0.0210	
				2681	0.0207	

1	2	3	4	5	6	7
Ghaziabad (Contd.)	Ghaziabad (Contd.)	Loni (Contd.)	Karhera (Contd.)	2682	0.0357	
				2683	0.0152	
				2679	0.0112	
				2678	0.0016	
				2684	0.0597	
				2686	0.0069	
				कार्ट ट्रैक	0.0222	
				2412	0.0001	
				2415	0.0332	
				2416	0.0299	
				2414	0.0017	
				2417	0.0631	
				2418	0.0274	
				2419	0.0016	
				2386	0.0075	
				2385	0.0358	
				2387	0.0001	
				2384	0.0456	
				2380	0.0109	
				2383	0.0064	
				2381	0.1007	
				2378	0.0006	
				2312	0.0888	
				2307	0.0494	
				2313	0.0153	
				2314	0.0227	
				2315	0.0491	
				2306	0.0008	
				2318	0.0846	
				2317	0.0190	
				2319	0.0003	
				2325	0.0400	
				2326	0.0646	
				2324	0.0101	
				2327	0.0581	
				2328	0.0625	
				2329	0.0254	
				2216	0.0104	
				2330	0.0198	
				2331	0.0194	
				सी. पी.	0.0444	
				2334	0.0049	
				2207	0.0687	
				2206	0.0592	
				2205	0.0310	
				2195	0.0083	
				2204	0.0098	
				2200	0.0002	
				2199	0.0869	
				2143	0.0003	
				2198	0.0405	
				2178	0.0030	
				2145	0.0219	
				2146	0.0862	
				2149	0.0572	

1	2	3	4	5	6	7
Ghaziabad (Concl.)	Ghaziabad (Concl.)	Loni (Concl.)	Karhera (Concl.)	2150 2153 2154 2166 2165 2164 2158 2160 2159 2161 2157 2010 2011 2204 1908 1910 1911 1914 1909 1912 1913	0.0500 0.0607 0.0454 0.0425 0.0188 0.0128 0.0793 0.0001 0.1036 0.0001 0.0091 0.0350 0.0764 0.5809 0.0208 0.0610 0.0182 0.0063 0.0449 0.0486 0.0166	
				Total	132	4.5290
Ghaziabad	Ghaziabad	Loni	Mewla Agree	749 752 748 753 754 755 756 757 760 761 765 764 766 768 769 767 770 773 624 621 622 619 616 618 617 591 590 587 589 588 586 581 580 582	0.1083 0.1739 0.0037 0.0518 0.0780 0.0823 0.0678 0.0757 0.0933 0.1509 0.0151 0.1130 0.0434 0.0154 0.0140 0.0673 0.0070 0.2221 0.1579 0.0561 0.0499 0.1097 0.0139 0.0019 0.0498 0.0216 0.0531 0.0255 0.0551 0.0688 0.0471 0.0698 0.0021 0.1052	
				Total	34	2.2705

1	2	3	4	5	6	7
Ghaziabad	Ghaziabad	Loni	Asalat Pur	1129	0.0382	
				1130	0.0286	
				1134	0.0400	
				1135	0.0480	
				1141	0.0487	
				1142	0.2046	
				1122	0.0251	
				1115	0.0196	
				1111	0.0289	
				1110	0.0211	
				1106	0.0359	
				1105	0.0711	
				1101	0.2114	
				1099	0.0163	
				1100	0.0997	
				1098	0.0011	
				1096	0.0260	
				1095	0.0850	
				1097	0.0134	
				1094	0.1514	
				957	0.8324	
				960	0.0226	
				824	0.0761	
				823	0.0122	
				822	0.0986	
				821	0.1067	
				800	0.0117	
				799	0.0213	
				978	0.0577	
				796	0.0333	
				797	0.0188	
				795	0.0021	
				794	0.1125	
				774	0.1326	
				792	0.0156	
				775	0.0099	
				783	0.0982	
				776	0.0872	
				777	0.0071	
				770	0.0123	
				769	0.1227	
				767	0.0900	
				757	0.0819	
				756	0.0129	
				684	0.0183	
				685	0.1276	
				683	0.0001	
				682	0.0989	
				681	0.0693	
				680	0.0221	
				687	0.0107	
				712	0.0947	
				711	0.0374	
				707	0.0101	
				708	0.0756	
				709	0.0671	

1	2	3	4	5	6	7
Ghaziabad (Contd.)	Ghaziabad (Contd.)	Loni (Contd.)	Asalat Pur (Contd.)	710	0.0393	
				706	0.0212	
				704	0.0818	
				Chak Road	0.0106	
				557	0.0165	
				556	0.0586	
				555	0.0480	
				554	0.0073	
				553	0.0452	
				552	0.0680	
				551	0.0076	
				550	0.0036	
				Chak Road	0.0328	
				546	0.0226	
				542	0.1015	
				541	0.0987	
				530	0.0138	
				529	0.0981	
				1	0.0563	
				4	0.0358	
				5	0.1956	
				6	0.0048	
				7	0.0015	
				23	0.0181	
				32	0.0387	
				Total	81	5.0483
Ghaziabad	Ghaziabad	Loni	Bhanera	643	0.0076	
				644	0.0857	
				642	0.3926	
				627	0.0912	
				628	0.2516	
				622	0.0534	
				621	0.0970	
				413	0.0148	
				391	0.4259	
				390	0.0562	
				389	0.0101	
				388	0.6309	
				380	0.0076	
				379	0.0101	
				378	0.1115	
				376	0.0137	
				371	0.0057	
				375	0.0278	
				370	0.2125	
				369	0.0708	
				368	0.0859	
				367	0.0084	
				365	0.0085	
				366	0.0903	
				364	0.1366	
				363	0.0010	
				Total	26	2.9074

1	2	3	4	5	6	7
Ghaziabad	Ghaziabad	Loni	Sharifabad Rajpur	679	0.0129	
				678	0.0729	
				677	0.0481	
				676	0.0011	
				680	0.0198	
				681	0.1590	
				682	0.0178	
				683	0.1746	
				685	0.0063	
				686	0.0202	
				687	0.0161	
				692	0.5108	
				691	0.0499	
				690	0.0132	
				689	0.1096	
				713	0.0156	
				714	0.0139	
				717	0.0534	
				716	0.1239	
				715	0.2187	
				515	0.0488	
				514	0.3422	
				522	0.0674	
				518	0.0001	
				519	0.0527	
				520	0.0551	
				521	0.0572	
				523/784	0.0100	
				524	0.4448	
				509	0.0090	
				508	0.0254	
				498	0.3115	
				499	0.0181	
				500	0.0111	
			Total	34	3.1112	
Ghaziabad	Ghaziabad	Loni	Narayan Nagar Alias Rampur	477	0.0030	
				461	0.1511	
				476	0.0200	
				462	0.1164	
				475	0.0077	
				474	0.0085	
				473	0.0074	
				472	0.0084	
				471	0.0148	
				470	0.0176	
				459	0.0164	
				469	0.0114	
				468	0.0078	
				467	0.0089	
				466	0.0113	
				458	0.0574	

1	2	3	4	5	6	7
Ghaziabad	Ghaziabad	Loni	Narayan Nagar Alias Rampur	457	0.0140	
				465	0.0492	
				464	0.0086	
				456	0.0052	
				463	0.0360	
				444	0.0108	
				136	0.0020	
				138	0.1030	
				137	0.3603	
				140	0.0491	
				141	0.0383	
				139	0.0279	
				158	0.0096	
				157	0.0435	
				156	0.1247	
				152	0.2479	
				154	0.0266	
				153	0.0487	
				170	0.0220	
				177	0.0832	
				217	0.0115	
				218	0.0167	
				285	0.0704	
				286	0.1793	
				272	0.0121	
				271	0.0510	
				270	0.0656	
				269	0.0782	
				265	0.0313	
				289	0.0045	
				290	0.0854	
				264	0.0247	
				291	0.0607	
				292	0.0840	
				293	0.0024	
				103	0.0183	
				81	0.0667	
				80	0.0593	
				79	0.0437	
				82	0.0199	
				85	0.0920	
				86	0.1177	
				87	0.0954	
				88	0.0618	
				93	0.0421	
				92	0.1241	
				91	0.1663	
				78	0.0003	
			Total	64	3.5234	



1	2	3	4	5	6	7
Ghaziabad	Ghaziabad	Loni	Banthla	587	0.2425	
				588	0.3375	
				591	0.1146	
				Cart-Track	0.0395	
				518	0.3124	
				519	0.1627	
				524	0.0635	
				525	0.0832	
				526	0.1011	
				477	0.0486	
				476	0.0400	
				475	0.0688	
				Canal	0.1837	
				372	0.2314	
				373	0.0446	
				374	0.1245	
				375	0.0219	
				443	0.1199	
				444	0.0005	
Total				19	2.3409	

[No. L-14016/4/97-GP]

I. S. N. PRASAD, Dy. Secy.

मई दिल्ली, 21 मई, 1998

का.आ. 1064.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में सरल पैट्रोलियम गैस साने के लिए कान्डला—जामनगर—लोनी गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथारिटी ऑफ इंडिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उम कार्य के लिए, इसके साथ संलग्न विवरण में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पैट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड-3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्णित कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी ऑफ इंडिया लि. कान्डला—जामनगर—लोनी गैस पाइप लाइन प्रोजेक्ट ए-9, सैक्टर-19, नोएडा, गीतम बुद्ध नगर (उ. प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निदिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसाय के माध्यम से अपना मत प्रस्तुत करना चाहता है।

वाद सूची

कान्डला—जामनगर—लोनी पाइप लाइन प्रोजेक्ट

अनपद	तहसील	परगना	ग्राम	खसरा न.	अर्जन क्षेत्रफल हेक्टेयर में	विवरण
1	2	3	4	5	6	7
गीतम बुद्ध नगर	दादरी	दादरी	नौरंगाबाद	यमुना	0.1605	
				111	1.0262	
				58	0.0399	
				51	0.1564	
योग-4					1.3830	

1	2	3	4	5	6	7
गौतमबुद्ध नगर	दादरी	दादरी	छलेरा बांगर	947	0.0309	
				946	0.0001	
				940	0.1394	
				937	0.0196	
				927	0.2894	
				926	0.0485	
				922	0.0086	
				921	0.0427	
				920	0.0517	
				919	0.1140	
				907	0.0376	
				911	0.1728	
				910	0.0023	
				योग- 13	.9576	
गौतमबुद्ध नगर	दादरी	दादरी	मदरपुर	449	0.5167	
				447	0.1147	
				448	0.0566	
				441	0.3699	
				460	0.2447	
				504	0.0529	
				407	0.0055	
				406	0.2104	
				504	0.0293	
				464	0.3474	
				467	0.0005	
				504	0.1131	
				404	0.1655	
				401	0.0024	
				400	0.0664	
				399	0.3820	
				398	0.0983	
				396	0.2655	
				395	0.0493	
				394	0.0760	
				243	0.1962	
				233	0.0634	
				232	0.1254	
				244	0.2482	
				245	0.1679	
				247	0.0464	
				248	0.0905	
				249	0.0461	
				250	0.3902	
				268	0.0519	

1	2	3	4	5	6	7
गोनम बुद्ध नगर	दादरी	दादरी	छलेरा बांगर	रास्ता	0.0559	
				265	0.0878	
				267	0.0456	
				276	0.0896	
				277	0.2293	
				278	0.2430	
				279	0.0682	
				योग-37	5.4327	
गोनम बुद्ध नगर	दादरी	दादरी	हाजीपुर	503	0.2777	
				497	0.0348	
				502	0.1375	
				499	0.0165	
				501	0.0006	
				491	0.0207	
				486	0.0789	
				282	0.2693	
				481	0.0271	
				सड़क-पुख्ता	0.0346	
				388	0.0678	
				387	0.0487	
				378	0.2693	
				377	0.0817	
				379	0.0260	
				376	0.2507	
				375	0.2005	
				374	0.0875	
				394	0.1259	
				262	0.0027	
				259	0.2214	
				258	0.0640	
				257	0.1132	
				256	0.0544	
				195	0.0913	
				228	0.0109	
				196	0.0193	
				227	0.0276	
				226	0.0651	
				200	0.0229	
				202	0.1488	
				203	0.1029	
				201	0.0005	
				173	0.1200	
				161	0.1061	
				162	0.0118	
				163	0.1796	
				167	0.1046	
				165	0.0545	
				166	0.1222	
				योग-40	3.4612	

1	2	3	4	5	6	7
गौतमबुद्ध नगर	दादरी	दादरी	सलारपुर खादर	671	0.0110	
				670	0.0409	
				667	0.0333	
				677	0.0836	
				678	0.0627	
				680	0.0819	
				679	0.0024	
				664	0.0284	
				650	0.2766	
				631	0.2794	
				551	0.0156	
				630	0.0512	
				552	0.6111	
				553	0.6175	
				540	0.0367	
				539	0.0696	
				538	0.0426	
				537	0.0614	
				498	0.0367	
				499	0.0001	
				497	0.0014	
				494	0.1551	
				493	0.0408	
				501	0.0168	
				61	0.1181	
				59	0.0663	
				56	0.0481	
			नाला		0.0996	
				55	0.1772	
				54	0.1447	
				52	0.0197	
				51	0.0653	
				46	0.1378	
				118	0.0372	
				122	0.0141	
				123	0.1665	
				125	0.0477	
				126	0.1193	
				128	0.1348	
				129	0.2446	
				131	0.0583	

1	2	3	4	5	6	7
गौतमबुद्ध नगर	दादरी	दादरी	गौरखा	765	0. 1697	
			जाहिदाबाद	766	0. 2395	
				767	0. 6100	
				768	0. 0089	
				938	0. 1396	
				939	0. 0022	
				937	0. 0745	
				940	0. 0834	
				सड़क	0. 0389	
				941	0. 1573	
				944	0. 1316	
				945	0. 1881	
				947	0. 0184	
				946	0. 0064	
				933	0. 3460	
				932	0. 0041	
				931	0. 2872	
				921	0. 3589	
				917	0. 2984	
				866	0. 1545	
				867	0. 0672	
				869	0. 0904	
				879	0. 0114	
				872	0. 1318	
				873	0. 0310	
				874	0. 1408	
				875	0. 0410	
				878	0. 1210	
				877	0. 3429	
				601	0. 1986	
				617	0. 0699	
				602	0. 0041	
				603	0. 0772	
				604	0. 1707	
				605	0. 0839	
				607	0. 2334	
				415	0. 2661	
				411	0. 0304	
				409	0. 3448	
				406	0. 0866	
				407	0. 0068	
				405	0. 1040	
				403	0. 0216	
				398	0. 4951	
				399	0. 1880	
			योग	45	6. 5693	

1	2	3	4	5	6	7
गौतमबुद्ध नगर	दादरी	दादरी	ककराला	253	0.1596	
			खवासपुर	237	0.0218	
				235	0.0420	
				234	0.1061	
				233	0.0920	
				232	0.1204	
				231	0.2833	
				230	0.0434	
				228	0.0164	
				229	0.1530	
				50	0.0174	
				47	0.0033	
				49	0.0676	
				47	0.0026	
				48	0.1958	
				43	0.1641	
				44	0.0276	
				41	0.1445	
				40	0.0579	
				37	0.2053	
				64	0.0197	
				36	0.0857	
				35	0.0541	
				30	0.0829	
				34	0.0048	
				31	0.0153	
				29	0.0505	
				28	0.0951	
				26	0.1414	
				25	0.0222	
				24	0.0842	
				23	0.0777	
				22	0.0451	
				4	0.0424	
				1	0.1266	
योग				35	2.8718	
गौतम बुद्ध नगर	दादरी	दादरी	परथला खनजरपुर	328	0.0478	
				330	0.2686	
				331	0.1226	
				332	0.3949	
				197	0.4967	
				195	0.0896	
				194	0.1929	
				183	0.2500	
				185	0.1684	
				184	0.0230	
				111	0.5038	
योग				11	2.5573	

1	2	3	4	5	6	7
गौतमबुद्ध नगर	दादरी	दादरी	हैबतपुर	370	0.0919	
				372	0.8082	
				375	0.0607	
				374	0.1666	
				369	0.0011	
				368	0.5531	
				361	0.4357	
				360	0.0413	
				359	0.3543	
			योग	9	2.5129	
गौतमबुद्ध नगर	दादरी	दादरी	गङ्गीबीखंडी	10	0.2229	
				8	0.0850	
				7	0.0809	
				12	0.0353	
				18	0.2119	
				35	0.2499	
				34	0.1516	
			योग	7	1.0375	
गौतमबुद्ध नगर	दादरी	दादरी	बहलोलपुर	292	0.1146	
				266	0.0325	
				267	0.1460	
				268	0.0787	
				273	0.0430	
				271	0.0304	
				272	0.0314	
				274	0.0291	
				153	0.1233	
				154	0.4444	
				146	0.0121	
				172	05.1575	
				173	0.1041	
				174	0.3683	
				175	0.0057	
				176	0.0092	
				177	0.0363	
				178	0.0589	
				196	0.1282	
				194	0.1106	
				27	0.0298	
				24	0.1484	
			योग	22	2.2425	

1	2	3	4	5	6	7
गौतमबुद्ध नगर	दादरी	दादरी	नौदपुर	269	0.0041	
				268	0.1351	
				267	0.0671	
				281	0.1318	
				280	0.0026	
				363	0.0495	
				364	0.0786	
				365	0.0078	
				354	0.0228	
				375	0.0664	
				376	0.0001	
				374	0.0049	
				373	0.1228	
				370	0.0798	
				350	0.0760	
				347	0.1188	
				346	0.0390	
				332	0.1087	
				345	0.0578	
				333	0.0825	
				334	0.0687	
				324	0.0676	
				323	0.1221	
				322	0.0002	
				169	0.0751	
				170	0.0445	
				171	0.0143	
				173	0.0969	
				176	0.0609	
				172	0.0005	
				179	0.0428	
				178	0.0738	
				180	0.0632	
				182	0.0411	
				183	0.0683	
				184	0.0169	
				193	0.0973	
				194	0.1296	
				203	0.1799	
				204	0.1730	
				57	0.0549	
				205	0.0139	
योग				42	2.7617	



1	2	3	4	5	6	7
गौतमबुद्ध नगर	दादरी	लोनी	छजारसी	550	0.3927	
				459	0.0149	
				481	0.0880	
				480	0.1031	
				479	0.0046	
				478	0.1219	
				477	0.0039	
				493	0.0813	
				489	0.0016	
				492	0.0393	
				494	0.0847	
				495	0.0609	
				500	0.0227	
				501	0.2158	
				502	0.0245	
				194	0.1865	
				197	0.0684	
				198	0.0858	
				199	0.1416	
				185	0.1132	
				183	0.0673	
				182	0.0225	
				164	0.0095	
				165	0.0290	
				सड़क पुख्ता	0.0451	
				167	0.1911	
				169	0.0253	
				170	0.0046	
				156	0.2250	
				150	0.2547	
				95	0.1503	
				94	0.0361	
				89	0.2092	
				78	0.0167	
				88	0.0694	
				85	0.0979	
				84	0.0894	
				82	0.0778	
			योग	38	3.4763	
गौतमबुद्ध नगर	दादरी	लोनी	मुहीददीपुर	576	0.0585	
			फनाबनी	574	0.1373	
				568	0.0490	
				575	0.786	
				567	0.0228	

1	2	3	4	5	6	7
गौतमबुद्ध नगर	वावरी	लोनी	मुहिविर्षीपुर	576	0.1514	
			कनावली	561	0.0864	
				560	0.1421	
				598	0.0609	
				599	0.1326	
				600	0.0277	
				601	0.0181	
				606	0.1888	
				607	0.0012	
				613	0.2612	
				615	0.0508	
				617	0.496	
				618	0.0123	
				619	0.0189	
				620	0.3158	
				629	0.6404	
				637	0.1663	
				639	0.1679	
				641	0.0729	
				640	0.0522	
				222	0.1807	
				223	0.1816	
				226	0.0436	
				224	0.0126	
				212	0.1819	
			योग	30	3.5641	

[सं. एल-14016/4/97-जी. पी.]

आई.एस.एन. प्रसाद, उप सचिव

New Delhi, the 21st May, 1998

S.O. 1064.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquid Petroleum Gas through Kandla-Jamnagar-Loni Pipeline Project in Uttar Pradesh State. Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (I) of the section 3 of the petroleum and Mineral Pipelines (Acquisition of Right of User in the Land) Act 1962( 50 of 1962), the Central Government hereby declares its intention to acquire the right of user there in;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent authority, gas Authority of India Limited Kandla-Jamnagar-Loni pipeline Project, A-9, Sector-19, Noida, Gautam Budh Nagar (U.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

**SCHEDULE**  
**Kandla-Jamnagar-Loni Pipeline Project**

District	Tehsil	Pargana	Village	Plot No.	Acquired Area in Hectare	Remarks
1	2	3	4	5	6	7
Gautam Budh Naagar	Dadri	Dadri	Nourangabad	Yamuna	0.1605	
				111	1.0262	
				58	0.0399	
				51	0.1564	
				Total 4	1.3830	
Gautam Budh Nagar	Dadri	Dadri	Chhelara Bangar	947	0.0309	
				946	0.0001	
				940	0.1394	
				937	0.0196	
				927	0.2894	
				926	0.0485	
				922	0.0086	
				921	0.0427	
				920	0.0517	
				919	0.1140	
				907	0.0376	
				911	0.1728	
				910	0.0023	
				Total 13	0.9576	
Gautam Budh Nagar	Dadri	Dadri	Sadar Pur	449	0.5167	
				447	0.1147	
				448	0.0566	
				441	0.3699	
				460	0.2447	
				504	0.0529	
				407	0.0055	
				406	0.2104	
				504	0.0293	
				464	0.3474	
				467	0.0005	
				504	0.1131	
				404	0.1655	
				401	0.0024	
				400	0.0664	
				399	0.3820	
				398	0.0983	
				396	0.2655	
				395	0.0493	
				394	0.0760	
				243	0.1962	
				233	0.0634	
				232	0.1254	

1	2	3	4	5	6	7
				244	0.2482	
				245	0.1679	
				247	0.0464	
				248	0.0905	
				249	0.0461	
				250	0.3902	
				268	0.0519	
				Cart Track	0.0559	
				265	0.0878	
				267	0.0456	
				276	0.0896	
				277	0.2293	
				278	0.2430	
				279	0.0882	
			Total :	37	5.4327	

Gautam Budh Nagar	Dadri	Dadri	Haji Pur	503	0.2777
				497	0.0348
				502	0.1375
				499	0.0165
				501	0.0006
				491	0.0207
				486	0.0789
				482	0.2693
				481	0.0271
				Metalled Road	0.0346
				388	0.0678
				387	0.0487
				377	0.0817
				379	0.0260
				376	0.2507
				375	0.2005
				374	0.0875
				394	0.1259
				262	0.0027
				259	0.2214
				258	0.0640
				257	0.1132
				256	0.0544
				195	0.0913
				228	0.0109
				196	0.0193
				227	0.0276
				226	0.0651
				200	0.0229
				202	0.1488
				203	0.1029
				201	0.0005
				173	0.1200
				161	0.1061
				162	0.0118
				163	0.1796

1	2	3	4	5	6	7
				167	0.0146	
				165	0.0545	
				166	0.1222	
			Total	40	3.4612	
Gautam Budh Nagar	Dadri	Dadri	Salar Pur Khadar	671	0.0110	
				670	0.0409	
				667	0.0333	
				677	0.0836	
				678	0.0627	
				680	0.0819	
				679	0.0024	
				664	0.0284	
				650	0.2766	
				631	0.2794	
				551	0.0156	
				630	0.0512	
				552	0.1611	
				553	0.1675	
				540	0.0367	
				539	0.0696	
				538	0.0614	
				537	0.6144	
				498	0.0567	
				499	0.0001	
				497	0.0014	
				494	0.1551	
				493	0.0408	
				501	0.0168	
				61	0.1181	
				59	0.0663	
				56	0.0481	
			Drain		0.0996	
				55	0.1772	
				54	0.1447	
				52	0.0197	
				51	0.0653	
				46	0.1378	
				118	0.0372	
				122	0.0141	
				123	0.1665	
				125	0.0477	
				126	0.1193	
				128	0.1348	
				129	0.2446	
				131	0.0583	
			Total	41	3.4761	
Gautam Budh Nagar	Dadri	Dadri	Sourkha Jahidabad	765	0.1697	
				766	0.2395	
				767	0.6100	
				768	0.0089	

1	2	3	4	5	6	7
Gautam Budh Nagar	Dadri	Saurkha Jahidabad		938	0.1396	
				939	0.0022	
				937	0.0745	
				940	0.0834	
				Road	0.0389	
				941	0.1573	
				944	0.1316	
				945	0.1881	
				947	0.0184	
				946	0.0064	
				933	0.3460	
				932	0.0041	
				931	0.2872	
				921	0.3589	
				917	0.2984	
				866	0.1545	
				867	0.0672	
				869	0.0904	
				879	0.0114	
				872	0.1318	
				873	0.0310	
				874	0.1408	
				875	0.0410	
				878	0.1210	
				877	0.3429	
				601	0.1986	
				617	0.0699	
				602	0.0041	
				603	0.0772	
				604	0.1707	
				605	0.0839	
				607	0.2334	
				415	0.2661	
				411	0.0304	
				409	0.3448	
				406	0.0866	
				407	0.0068	
				405	0.1040	
				403	0.0216	
				398	0.04951	
				399	0.1880	
Total				45	6.5693	
Kakrala				253	0.1596	
Khawas Pur				237	0.0218	
				235	0.0420	
				234	0.1061	
				233	0.0920	
				232	0.1204	
				231	0.2833	
				230	0.0434	
				228	0.0164	
				229	0.1530	
				50	0.0174	

1	2	3	4	5	6	7
Gautam Budh Nagar	Dadri	Dadri	Kakrala	47	0.0033	
			Khawaspur	49	0.0676	
				47	0.0026	
				48	0.1958	
				43	0.1641	
				44	0.0276	
				41	0.1445	
				40	0.0579	
				37	0.2053	
				64	0.0197	
				36	0.0857	
				35	0.0541	
				30	0.0829	
				34	0.0048	
				31	0.0153	
				29	0.0505	
				28	0.0951	
				26	0.1414	
				25	0.0222	
				24	0.0842	
				23	0.0777	
				22	0.0451	
				4	0.0424	
				1	0.1266	
Total				35	2.8718	
Gautam Budh Nagar	Dadri	Dadri	Parthala	320	0.0478	
			Khanjar Pur	330	0.2686	
				331	0.1226	
				332	0.3949	
				197	0.4957	
				195	0.0896	
				194	0.1929	
				183	0.2500	
				185	0.1684	
				184	0.0230	
				111	0.5038	
Total				11	2.5573	
		Hebat Pur		370	0.0919	
				372	0.8082	
				375	0.0607	
				374	0.1666	
				369	0.0011	
				368	0.5531	
				361	0.4357	
				360	0.0413	
				359	0.3543	
Total				9	2.5129	

1	2	3	4	5	6	7
Gautam Budh Nagar	Dadri	Dadri	Garhi Chow- khandi	10	0.2229	
				8	0.0850	
				7	0.0809	
				12	0.0353	
				18	0.2119	
				35	0.2499	
				34	0.1516	
				Total		
Bahlol Pur			292	0.1146		
			266	0.0325		
			267	0.1460		
			268	0.0787		
			273	0.0430		
			271	0.0304		
			272	0.0314		
			274	0.0291		
			153	0.1233		
			154	0.4444		
			146	0.0121		
			172	0.1575		
			173	0.1041		
			174	0.3683		
			175	0.0057		
			176	0.0092		
			177	0.0363		
			178	0.0589		
			196	0.1282		
			194	0.1106		
			27	0.0298		
			24	0.1484		
Total			22	2.2425		
Chot Pur			269	0.0041		
			268	0.1351		
			267	0.0671		
			281	0.1318		
			280	0.0026		
			363	0.0495		
			364	0.0786		
			365	0.0078		
			354	0.0228		
			375	0.0664		
			376	0.0001		
			374	0.0049		
			373	0.1228		
			370	0.0798		
			350	0.0760		
			347	0.1188		
			346	0.0390		
			332	0.1087		
			345	0.0578		
			333	0.0825		
			334	0.0687		



1	2	3	4	5	6	7
Gautam Budh Nagar	Dadri	Dadri	Ghot Pnr	324	0.0676	
				323	0.1221	
				322	0.0002	
				169	0.0751	
				170	0.0445	
				171	0.0143	
				173	0.0969	
				176	0.0609	
				172	0.0005	
				179	0.0428	
				178	0.0738	
				180	0.0632	
				182	0.0411	
				183	0.0683	
				184	0.0169	
				193	0.0973	
				194	0.1296	
				203	0.1799	
				204	0.1730	
				57	0.0549	
				205	0.0139	
Total				42	2.7617	
Gautam Budh Nagar	Dadri	Loni	Chhajarsi	550	0.3927	
				459	0.0149	
				481	0.0880	
				480	0.1031	
				479	0.0046	
				478	0.1219	
				477	0.0039	
				493	0.0813	
				489	0.0016	
				492	0.0393	
				494	0.0847	
				495	0.0609	
				500	0.0227	
				501	0.2158	
				502	0.0245	
				194	0.1865	
				197	0.0684	
				198	0.0858	
				199	0.1416	
				185	0.1132	
				183	0.0673	
				182	0.0225	
				164	0.0095	
				165	0.0290	
				Road	0.0451	
				167	0.1911	
				169	0.0253	
				170	0.0046	
				156	0.2250	
				150	0.2547	
				95	0.1503	

1	2	3	4	5	6	7
Gautam Budh Nagar	Dadri	Loni	Chhajarsi	94	0.0361	
				89	0.2092	
				78	0.0167	
				88	0.0694	
				85	0.0979	
				84	0.0894	
				82	0.0778	
			Total	38	3.4763	
Gautam Budh Nagar	Dadri	Loni	Mohiuddin Pur Kanawani	573	0.0585	
				574	0.1373	
				568	0.0490	
				575	0.0786	
				567	0.0228	
				576	0.1514	
				561	0.0864	
				560	0.1421	
				598	0.0609	
				599	0.1326	
				600	0.0277	
				601	0.0181	
				606	0.1888	
				607	0.0012	
				613	0.2612	
				615	0.0508	
				617	0.0496	
				618	0.0123	
				619	0.0189	
				620	0.3158	
				629	0.6404	
				637	0.1663	
				639	0.1679	
				641	0.0729	
				640	0.0522	
				222	0.1807	
				223	0.1816	
				226	0.0436	
				224	0.0126	
				212	0.1819	
			Total	30	3.5641	

[No. L-14016/4/97-GP]

I.S.N. PRASAD, Dy. Secy.

## श्रम मंत्रालय

नई दिल्ली, 6 मई, 1998

का.ग्रा. 1065.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिजर्व बैंक आफ इंडिया, कोलाम के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोलाम के पंचपट्टे को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-5-98 को प्राप्त हुआ था।

[संख्या एल-12011/55/95-आईआर (बी-1)]

पी.जे. माईकल, डेस्क अधिकारी

## MINISTRY OF LABOUR

New Delhi, the 6th May, 1998

S.O. 1065.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Reserve Bank of India, Trivandrum and their workman, which was received by the Central Government on the 5-5-98.

[No. L-12011/55/95-IR(B-I)]

P. J. MICHAEL, Desk Officer

## ANNEXURE

## IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM

(Dated, this the 3rd day of April, 1998)  
PRESENT :

Sri C. N. Sasidharan, Industrial Tribunal.  
IN

INDUSTRIAL DISPUTE NO. 9/97  
BETWEEN

The General Manager, Reserve Bank of India,  
Reserve Bank Junction, Trivendrum.

(Sri R. Mendiratta, Deputy Legal Advisor,  
Chennai).

## AND

Sri K. S. Unnikrishnan C/o. DBOD., General  
Secretary, Reserve Bank Workers Organi-  
sation (NOBW), Reserve Bank of India,  
Trivandrum.

(Sri K. S. Unnikrishnan, General Secretary,  
Association).

## AWARD

This industrial dispute has been referred for adjudication to this Tribunal by the Government of India as per Order No. L-12011/55/95 dated 11-3-1997.

The issue for adjudication is the following :

“Whether the action of the management of Reserve Bank of India, Trivandrum in excluding these CNEs who expressed willingness for Merit Test, from the Out station remittance duty is correct and justifiable? If not, to what relief the said workmen are entitled?”

2. The general secretary of the union which was espoused the cause of the workmen involved in this dispute has filed a statement of claim and the contentions are briefly as under : The organisation is a registered trade union of Class III employees of management Bank. The employees involved in this dispute are the workmen within the meaning of Industrial Disputes Act, (‘the Act’ for short). All the provisions of the Act are binding on the management. The management is a state within the meaning of Article 12 of the Constitution of India. The management Bank discharges functions which are primarily of sovereign nature. One of the principal functions of the Bank is to regulate the issue of Bank notes/coins. In furtherance of this function the Bank employ four categories of employees as Class I to IV. The employees in this dispute are class III workmen. The clerks/coin note examiners (CNEs) in cash departments in addition to their normal work also have to accompany the remittance of notes/coins to various outstation chest branches of commercial banks as and when their turn comes. The department maintains a remittance turns list of CNEs. On the first wednesday after receipt of a remittance order by the Treasurer he allot the remittance duty turn to each of the CNEs in the list against the names of currency chest. Those who are not available on this day and those who are already away on remittance duty will not be considered for that remittance programme. If any CNE is absent on this Wednesday he should communicate in writing to reach the treasurer before 9.45 AM on that day his willingness to go on remittance duty failing which such absentee CNE will not be considered for the remittance programme. For a remittance programme on 6-3-1995 the Bank had circulated the above remittance turn list on 15-2-1995 but the names of certain CNEs belonging to this union have been deliberately excluded in the list. The reasons stated are that the above CNEs have expressed their willingness to write merit test for the promotion of staff officer Gr. A and that they have expressed their willingness to accompany the remittance only on 15-2-1995 but the list was finalised at 9.45 AM on that day. The preparatory training programme conducted by the Bank for those who are appearing for promotion test is only a welfare measure and it is the discretion of employees to attend or not. The remittance duty of cash department is part and parcel of normal duty of a CNE and it cannot be denied to him if he had expressed his willingness for the duty. The Bank had not arranged any preparatory training programme during that period. Bank had denied their remittance duties in a discriminatory and partisan way and thus committed unfair labour practice. All CNEs represented by this union were present on 15-2-1995 when the list was circulated and the time

schedule regarding willingness for remittance duty is applicable to those who were absent on that particular day. The prayer is for declaring that the conduct of management is an unfair labour practice and to allot outstation remittance duties to the CNEs as a special case.

3. The management opposes the claim of the organisation. The contentions of management as stated in the counter statement are briefly as under : The management is vested with sovereign functions of issue and management of Bank notes and currency notes. The Bank employs various class of employees. The Bank conducts departmental examination for promotion of class III employees to the post of staff officer Gr. A. As a welfare measure bank imparts preparatory training for benefits of fresh candidates appearing for the qualifying examination and SC/ST class III employees who are eligible for appearing departmental examination for promotion to the post of staff officer Gr. A and who expressed their willingness to appear in the test. After receiving representations from the employees the Central office of the Bank vide circular dated 28-11-1988 advised that such of the employees who have expressed their willingness to appear for the examination preparatory training may not be sent out of the Head Quarters on office duty during the period of such examination. The Bank has the right to sent an employee on remittance duty and which employee should be sent is the prerogative of the management. In order to enable these employees to appear in the test and to avail the facility of preparatory training they are not deputed for remittance duty during the training period. The Trivandrum office of the Bank had arranged between 6-2-1995 to 2-3-1995 preparatory training for the benefit of class III employees appearing for the departmental examination. The remittance programme is planned in advance and normally all CNEs are deputed to remittance duty and a remittance turn list is prepared by the Treasurer. On the first Wednesday a list of CNEs to be deputed for remittance duty is prepared by the Treasurer. As per Central office letter dated 28-11-1988 the seven CNEs in the dispute who had expressed their willingness to appear for the departmental examination for promotion to the post of staff officer Gr. A they were not included for the remittance duty when the list was prepared on 15-2-1995 in their own interest. However Sri Sharafdeen and some others had expressed in writing on 15-2-1995 their willingness to go for remittance duty as they did not intend to write the examination. As the list was finalised on the morning of 15-2-95 before receipt of their willingness, it was not possible to accommodate them for the remittance duty on 6-3-1995. They have no legal right to be deputed on that day. According to the management this dispute is not an industrial dispute within the meaning of the Act as the dispute has been espoused by organisation which is an unrecognised, unrepresentative trade union. The Bank had not committed any unfair labour practice and the action of management is not discriminatory and in partisan way as contended by the union. According to the management the reference is liable to be rejected and the organisation is not entitled to any relief.

4. The union has not adduced any evidence. The management has filed an affidavit in support of their case and produced four documents. The Asst. Treasurer of the management who has filed the affidavit was cross examined by the general secretary of the union as MW1. The documents produced by the management were marked as Exts. M1 to M4 by this Tribunal for convenience of discussion.

5. The management has raised two preliminary objections. The first one is that this dispute is not an industrial dispute under Sec. 2(k) of the Act. The submission is that the management bank discharge sovereign function of the Government in issuing bank notes and circulation of coins under the Reserve Bank of India Act, 1934 and the issue department of the bank is not an industry within the meaning of the Act. According to the union the bank is an 'industry' as per the Act and hence this is an industrial dispute. Except the above statements both sides have not substantiated this legal aspect by arguing any points. However I shall consider this objection with reference to Sec. 2(j) and 2(k) of the Act. The principal function of the bank according to the bank itself is distribution of notes and coins. It is also not disputed that the bank discharges the functions by co-operation between their workmen for the distribution of notes and coins and it is a service with a view to satisfy human wants and wishes. The bank is making profit from that service. It is necessarily a systematic activity and this function of the bank comes under the term 'industry' as defined in Sec. 2(j) of the Act. Therefore this dispute is an industrial dispute and this contention is devoid of merit. The next objection is that this dispute has been espoused by organisation which is an unrecognised, unrepresentative trade union and hence it is not an industrial dispute under Sec. 2(k) of the Act. No provision of law has been pointed out to show that only a recognised union can raise an industrial dispute. With regard to the representative capacity the management has not adduced any evidence to show the total number of employees in the bank and the number of employees represented by this union. It is also not known whether the management has taken such a contention at the conciliation stage. There is no prohibition in the Act for raising an industrial dispute by unrecognised and unrepresentative trade union. Therefore this objection is also unsustainable.

6. I shall now pass on to the merits. The grievance of the workmen in this dispute is that they were denied remittance duty on 6-3-1995 and thereby lost TA and other allowances. Though as per the regulations of the bank they are eligible to be assigned remittance duty, according to the management these workman who are clerks and CNEs had expressed their willingness to appear in the ensuing staff officer Gr. A test to be held in the month of March 1995 and hence they were not included in the list of CNEs for assigning duties on 6-3-1995 as per the norms and procedure followed in the bank for the last several years. The management placed reliance on Exts. M1 to M4 documents in support of their action.

7. Ext. M1 is a circular issued by the Department of Administration of the Central Office of the bank on 28-11-1988 wherein it is stated that the officers may ascertain the willingness of the eligible employees to appear for the departmental examination/preparatory training in advance during the year in which the examination is being conducted and ensure that such of the employees who have expressed their willingness to appear for the examination/preparatory training are not sent out of the Head Quarters on office duty during the period of such examination. It is also stated in Ext. M1 that such a circular was issued to avoid grievance of employees for appearing for departmental examination for promotion to staff officer Gr. A and the reasons are also stated in the circular. Ext. M2 is Norms for deputing CNEs on remittance duty. In para 8 it is specifically stated that on the first Wednesday after receipt of remittance order by the Treasurer he will prepare a list of CNEs based on the remittance turn list and allot the remittance duty turn to each of them strictly in the serial order. It is also stated in the very same paragraph that those who are not available in the office on the appointed day will not be considered for that remittance programme. It is also stated that if any CNE is absent on this Wednesday he should communicate in writing to reach the Treasurer before 9.45 A.M. on that day his willingness to go on to remittance duty failing which such absentee CNE will not be considered for that remittance programme. In para 9 of Ext. M2 it is stated that the CNEs who are unable/unwilling to go for a particular remittance and also those absentee CNEs who failed to communicate their willingness to the treasurer in writing within the prescribed time limit, will lose their turn for that remittance and their names will be placed last in the remittance turn list for subsequent remittance programme. Ext. M3 is copy of office order of the personal officer dated 10-2-1995 stating that the departmental examinations (qualifying as well as merit test) are proposed to be held on 18th, 19th, 25th and 26th of March 1995. Heads of departments/sections may kindly ensure that candidates attached to their departments appearing for the examinations as per the list attached are not sent out of Head Quarters on tour, training etc. during the period of examination. A list of employees who are appearing for the examination is also attached wherein the names of the six workmen in this dispute are stated. It is evident from Exts M1 and M2 that the management has issued Ext. M3 and attached list of candidate for the welfare of the employees and as per the norms and practice followed in the bank. It is pertinent to note that the legality or justifiability of Ext. M1 circular and M2 Norms are not under challenge. Ext. M4-series letters submitted by three of the workmen in this dispute to the currency officer of the issue department of the bank make it clear that these workmen had expressed their willingness for appearing the All India Merit Test to be held on 18th and 25th of March and that their names had been excluded from the list of employees eligible for remittance duty as per Ext. M3 circular. The prayer of these three workmen in these letters is to consider their names to include in the list of eligible employees deputed for remittance duty on 6-3-1995 on condition that they will not claim any

TA/HA. The action of management in excluding these workmen from the remittance duty on 6-6-1995 is therefore fully justified and no interference is called for.

8. Now the question is whether these workmen were eligible to be included in the list of employees deputed or remittance duty on 6-3-1995 on the basis of Ext. M4 series letters submitted by the workmen. These letters were admittedly not submitted to the concerned officer before 9.45 A.M. on 15-2-1995 when the list of CNEs to be deputed for remittance on 6-3-1995 was finalised. In para 8 of Ext. M2 it is specifically stated that any CNE who is willing to go on remittance duty should communicate in writing before 9.45 A.M. failing which his name will not be considered for that remittance programme. It is true that these workmen were not absent on that Wednesday. But they had expressed their willingness to appear for the merit test and in order to enable them to participate in the training programme their names were excluded as per Ext. M2 circular and the list attached to that circular. Therefore, they were not eligible to be considered to include in the remittance programme on 6-3-1995. So, if they wanted to be deputed for the remittance duty on 6-3-1995 they should have communicated before 9.45 A.M. on 15-2-1995. That was not admittedly done. The argument that these workmen were not absent on 15-2-1995 and hence para. 8 of Ext. M2 is not applicable therefore, without force. Further as stated in para 9 of Ext. M2 they lost their turn for that remittance as they failed to communicate their willingness to the Treasurer within the prescribed time limit and the management had to allot the turn to others in the list in the serial order.

9. The union has a contention that the preparatory training programme conducted by the bank is only a welfare measure and whether to attend the above programme or not is left to the discretion of the employee and there is no compulsion attached to it. On the other hand remittance duty of cash department is part and parcel of normal duties of CNE and therefore, it cannot be denied to him if he had expressed his willingness for the duty. It is also contended that the bank had not arranged any preparatory training programme for those candidates who were appearing for merit test for the promotion of staff officer Gr. A during that period. Further contention is that the training programme conducted by the bank between 6-2-1995 and 2-3-1995 was for the benefit of class III employees appearing for qualifying test and the CNEs represented by this union were candidates for merit test and the bank had denied them remittance duty in a discriminatory and partisan way. In the affidavit filed by the Asst. Treasurer it is stated in para. 4 that on 28-12-1994 the bank had called for option from employees who were intending to appear in the qualifying/merit test to be held in March 1995. Six workmen in this dispute had expressed their willingness to appear in the test for promotion to the post of staff officer Gr. A to be held in March 1995 and the management has accordingly prepared list of employees who expressed their willing-

ness which is attached to Ext. M3. So the argument that the training programme is only a welfare measure and it is the discretion of the employees to participate in it is immaterial as they have already expressed their willingness to attend the training programme and they cannot now turn round and to argue that they cannot be denied remittance duty on that ground. It is not disputed that remittance duty in part and parcel of normal duties of a CNE. But these workmen were denied that duty as per the specific norms and practice followed in the bank as already held by me above. Now, with regard to the argument that the bank had not arranged any preparatory training programme during that period, it is not material as workmen had already expressed their willingness and the management had prepared a list of such employees excluding them from the remittance duty. Further, they had not intimated the concerned officer before 9.45 A.M. on 15-2-1995 that the bank had not arranged any training programme and hence they are eligible to be included in the list of eligible candidates for remittance duty. In the absence of any such submission the present argument can only be considered as an after thought and is only to be rejected. In view of the above discussion I am not persuaded to hold that the bank had acted in any discriminatory and partisan way as pleaded by the union. There is also nothing on record to show that the bank had acted to show favouritism to some section of employees as alleged by the union. The section or even the names of such employees are stated and the way in which any person was shown any favouritism is also not established. Therefore, it cannot be held that the bank had committed any unfair labour practice as stated by the union.

10. In para 6 of the affidavit mentioned earlier it is stated that in terms of para. 123 Chapter C of issue Department Manual III, Edition 1972 remittance duty is assigned to the eligible staff in strict rotation. It is not disputed that the management has prepared the list of eligible CNEs to be deputed for remittance duty in strict seniority and assigned duty in strict rotation. According to the management the allotment of remittance duties to CNEs from the bank is working well with effect from 1986 which cannot be altered in any circumstances because the moment an employee signs his willingness on the roster/register at on the prescribed Wednesday a right to go on remittance duty gets vested in him and cannot be taken away from him. The submission of the management is fully sustainable as any change would definitely affect the smooth working of the cash department of the bank because if the persons who are included in the list for remittance duty are denied that duty for providing others will create problems. Therefore on that ground also the action of management is fully justified.

11. For the foregoing reasons, an award is passed holding that the action of the management of Reserve Bank of India Trivandrum in excluding the CNEs who expressed willingness for Merit Test, from the outstation remittance duty is correct and justifiable and hence these workmen are not entitled to any relief.

C. N. SASIDHARAN, Industrial Tribunal

## APPENDIX

Witness examined on the side of the Management  
Sri. R. Pankajakshan.

Documents marked on the side of the Management

Ext. M1.—Circular No. Tng 1566/G.35-88/89 dated 28-11-1988 issued by Department of Administration, RBI, Co. Mumbai.

Ext. M2.—Norms for deputing CNEs for remittance duty.

Ext. M3.—Note dated 10-2-1995 issued by Personnel Officer to other departments instructing that concerned employees should not be sent out on tour during the period of examination.

Ext. M4-series.—Letters received from employees requesting that they may be sent for remittance duty.

नई दिल्ली, 6 मई, 1998

का०आ० 1066.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिजर्व बैंक आफ इंडिया, त्रिवेन्द्रम के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुवन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोलान के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-5-98 को प्राप्त हुआ था।

[सं० एल-12011/72/95-आई०आर० (बी-1)]

पी० जी० माईकल, डेस्क अधिकारी

New Delhi, the 6th May, 1998

S.O. 1066.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Reserve Bank of India, Trivendrum and their workman, which was received by the Central Government on 5-5-98.

[No. L-12011/72/95-IR(B.I)]

P. J. MICHAEL, Desk Officer

## ANNEXURE

IN THE COURT OF THE INDUSTRIAL  
TRIBUNAL, KOLLAM

(Dated, this the 16th day of April, 1998)

PRESENT:

Sri C. N. Sasidharan, Industrial Tribunal.

IN

Industrial Dispute No. 10/97

## BETWEEN

The General Manager, Reserve Bank of India,  
Reserve Bank Junction, Trivandrum, Kerala State.

(By Sri R. Mendiratta, Deputy Legal Adviser,  
Chennai)

## AND

Sri. E. Radhakrishnan, Secretary, Reserve Bank  
Employees Association (Regd.) Reserve Bank  
Junction, Trivandrum.

(Sri. V. Raveedran, Secretary, Association).

## AWARD

This industrial dispute has been referred to this Tribunal by the Government of India as per Order No. L-12011/72/95 dated 10-3-1997 for adjudicating the following issue :

"Whether the action of the management of Reserve Bank of India in not allowing the senior-most Typists to take the Skill Test for promotion to the post of Stenographers is fair and reasonable? If not, to what benefit they shall be eligible ?"

2. The union espousing the cause of the workmen involved in this dispute has filed a statement of claims and the contentions are briefly as under : This union is a registered union of class III workmen of the Trivandrum office of management Bank and recognised by the Bank. The Bank has conducted a skill test after a lapse of 14 years for the preparation of a panel of stenographers on 26-8-1995 by invoking the provisions of revised eligibility criteria relating to educational qualifications as introduced by the Bank by order dated 25-3-1983. This order is in respect of Typists who had joined the Bank prior to the issuance of the revised circular. By this unilateral action the Bank has deprived senior employees who joined the Bank before the said order, of their right for appearing for the skill test. Three employees were thus declared ineligible to appear for the test on the ground that they did not possess the educational qualification Pre Degree (12th standard) as per the revised norms introduced by the Bank by the aforementioned order. Out of the three, two Typists had been permitted for the skill test in 1981. The 3rd employee was a confirmed stenographer till 1984 in the Central office of the Bank who was forced to seek reversion to the cadre of Typist for getting a transfer to Trivandrum office on compassionate ground. According to the union the denial of opportunity to these three employees on account of revised norms is unjust and against principles of natural justice. Further no notice under Sec. 9-A of the Industrial Disputes Act, (the Act for short) 1947 has been given to the workmen. The union represented to the authorities in 1983 when the revised instructions were issued and it was given to understand that interest of the existing employees will be protected. But the Bank after a period of 14 years has acted in an unjust manner and the representation of the union dated 8-8-1995 has been turn down. The introduction of revised education qualification without giving the existing employees a

chance to acquire the new qualification is against natural justice. Further asking an employee who was a confirmed stenographer for quite a long time to again appear for the skill test is highly improper. The prayer is for exempting the employees from the revised educational qualification and also for conducting a skill test by calling all the senior Typists who are affected parties at the earliest.

3. The management opposes the claim of the union. The contentions of management are briefly as under : The service conditions of employees employed by the Bank are governed by Reserve Bank of India Staff Regulations, 1948, award passed by National Tribunals bilateral settlements etc. It is the managements domain to prescribe educational qualifications and experience required for promotion from Typist to Stenographers. The eligibility criteria for promotion to the post of stenographers is not a condition of service for change of which notice under Sec. 9-A of the Act is required. The eligibility of such employees is to be considered in the light of criteria fixed by the Bank. The Bank is free to alter the eligibility criteria for promotion from one cadre to another cadre. The employees have no right to promotion but they have the right to be considered for promotion. Since the Typist employees do not fulfil educational qualifications prescribed by the Bank for promotion to the post of stenographers, they were not invited for the skill test and they cannot complain for the same. The Bank conducted a skill test for two posts of stenographers on 26-8-1995. The Typist candidates who had possessed the educational qualifications prescribed by the Bank at that time alone were eligible for the test. The number of Typists to be called for the test was restricted to twice the number of existing and anticipated vacancies. Smt. Sobhana Kochukrishnan, Smt. Gomathy Sathyavageswaran, Sri. K. Sivadasan and Sri. R. Rajendran who had acquired the minimum educational qualification after joining the Bank service were allowed to appear for the skill test. However Smt. R. Lalitha who is SSLC, Sri. G. Chandu Naik who is Matriculate, Sri. P. Mohanan who is SSLC were not eligible for the test. Sri. Mohanan is not within the zone of the consideration as he does not fall within twice the number of Typists to be called for appearing for the skill test. This dispute is not an industrial dispute within the meaning of Sec. 2(k) of the Act as the dispute does not relate to any conditions of service or change thereof. Further prescribing of eligibility criteria to be fulfilled by an employee for promotion from one cadre to another is the prerogative of management. The employees or the union cannot have any grievance in change thereof. No industrial dispute can be raised by the employees in this respect. The eligibility criteria was notified to the employees by office order No. 714 dated 25-3-1983. There was no skill test for promotion to the post of stenographers till vacancy arose in 1995. Lot of time was given to all Typists to acquire prescribed qualifications. It is not the condition of service that Typists who joined the Bank prior to issue of revised circular would be considered for promotion to stenographers posts. Sri. P. Mohanan was a confirmed stenographer in Central office in the Bank till 1984 and had voluntarily sought intenal transfer to Trivandrum. For

getting transfer he had suo moto opted for Typist's post as per the terms and conditions of mutual transfer accepted by him. Neither the principles of natural justice have been violated nor the employees are denied equality of opportunity. The Bank has not received any representation except the representation dated 8-8-1995 which has been rightly rejected. The union cannot raise this dispute after a period of 12 years. The management denies all other allegations of the union.

4. The union has filed a rejoinder disputing the case of management and reaffirming the contentions of union.

5. The union has not adduced any oral evidence. The union has produced some documents which I am marking as Exts. W1 to W8. The management has filed an affidavit in support of their case. The Asst. Manager who has filed the affidavit in support of the case of management was examined at the instance of the union as MW1.

6. The management has raised two preliminary objections. The first one is that the present dispute is not an industrial dispute under Sec. 2(k) of the Act as the dispute does not relate to any conditions of service of the employees or change thereof. The management in para 4 of the statement of claim dated 10-6-1997 filed before this Tribunal has admitted that administrative instructions issued by the Bank from time to time are service conditions. The Bank as per Ext. W1 circular has revised the educational qualifications which is definitely a service condition. Further it is now settled position of law that change regarding conditions of service is an industrial dispute. Therefore the first objection is devoid of merit. The next objection is that prescribed eligibility criteria for promotion from one cadre to another is management's prerogative and no industrial dispute can be raised by the employees. By prescribing the educational qualification as per Ext. W1 circular the management has changed the existing qualification for the post of Typist which is definitely affecting the employees. The employees are aggrieved by the change in eligibility criteria and therefore they can very well raise an industrial dispute in respect thereof. In view of these reasons the second objection is also unsustainable.

7. The grievance of the three employees involved in this dispute is that the management has denied them opportunity to appear for the skill test for promotion to the post of stenographers on the ground that they have not acquired the prescribed educational qualification. The Bank has admittedly conducted a skill test for two posts of stenographers on 26-8-1995 as per the Central office circular. The Bank by Ext. W1 circular dated 27-1-1983 has notified the eligibility criteria for promotion to the post of stenographers with the knowledge of the employees and they have not challenged the same so far. The employees in question have not requested the management to exempt them from such modified qualification since they had joined the service prior to issuance of Ext. W1. It is also not disputed that there was no skill test for promotion to the post of stenographers till vacancy arose in 1995. There is no dispute that

the three employees in this case are not having the educational qualification prescribed as per Ext. W1 circular. The union is not attacking the competency of the management to prescribe educational qualification and experience required for promotion from Typist to Stenographers. It is the prerogative of the management to prescribe such qualification. Since the three employees in question were not having the eligibility criteria as prescribed by the Bank, they were not called for the skill test for the post of Stenographers. On the other hand five other Typists who had acquired the minimum educational qualifications after joining the Bank service were allowed to appear for the skill test. The aggrieved three employees who had also joined the Bank prior to the issuance of revised eligibility criteria had not acquired the educational qualification in order to become eligible to appear for the skill test for promotion without any explanation. It cannot therefore be held that the action of management is arbitrary, illegal or unjust as contended by the union. The action of management is on the basis of Ext. W1 circular and within their powers. The management's action is therefore fully justified.

8. On behalf of the employees it was argued that the Bank has introduced a new service condition vide Ext. W1 circular by enhancing the eligibility criteria of Typist from the then existing a pass in SSLC or Matriculate to pass in 11th standard or pass in 12th standard and by invoking that provision of the circular the Bank had denied opportunity to Sri. Chandu Naik and Smt. Lalitha to appear for the skill test. It is also contended that had the Bank not changed the service condition, the above two Typists being the seniormost would have been called for the skill test. Further by this action of the Bank not only the chance of promotion but also the right to be considered for promotion is adversely affected. Ext. W1 circular was issued as early on 21-3-1983 enhancing the eligibility criteria of Typist. The employees had not questioned Ext. W1 circular till 8-8-1995 and they have not acquired the educational qualification prescribed by the Bank for promotion to the post of Stenographers. No doubt these employees joined the service of the Bank long back. But the Bank has enhanced the eligibility criteria in 1983 which is applicable to all the existing Typists unless the Typist who entered the service prior to the issuance of Ext. W1 were exempted. Admittedly there is no such exemption. Further the other employees who were called for the skill test on 26-8-1995 Smt. Sobha-kochukrishnan, Smt. Gomathy Sathavaseeswarar, Sri K. Sivadasan and Sri R. Rajendran had acquired the minimum educational qualifications after joining the Bank's service. There is no explanation for not acquiring the revised educational qualification by these two employees. The Bank has only acted in furtherance of Ext. W1 circular and it cannot be said that the action of the Bank is arbitrary or unjust. According to the union Sri. Chandu Naik was called for the skill test in 1981 but he was not called for this skill test in 1995 which is quite illegal. As stated above the Bank has revised the eligibility criteria in 1983 and thereafter skill test was conducted in 1995 for which Sri. Chandu Naik was not eligible as he was not possessing the eligibility criteria. Therefore this argument is without force. After issuing Ext. W1



circular the vacancy of stenographer arose only in 1995 and the Bank has conducted the skill test. The affected Typists have got more than 12 years time to acquire the enhanced qualification but they have not acquired the same without any explanation what so ever though other Typists have acquired qualification after joining the Bank's service with the then existing educational qualification. The employees in question kept silent for a period of 12 years and now raised the dispute which is too belated and not supported by any legal points. The claim of the workmen is only to be rejected.

9. According to the union promotion from Typists to Stenographers is an intra cadre promotion. Typist and stenographer belong to same class III cadre and in the scheme of promotion from class III to class I still operated in the management Bank. In that scheme of promotion Typists having Matriculation as educational qualification are eligible to appear for promotion in merit channel. Further the scheme has been affirmed by the Supreme Court in Civil Appeal No. 3234/81 dated 30-4-1986. The argument is that on the basis of the above the exclusion of Typists possessing educational qualification of Matriculation from being considered for an extra cadre promotion is illegal and against natural justice. Except this statement in the rejoinder of the union dated 12-8-97 no details of the scheme of promotion from class III to class I are before this Tribunal. Full text of the Supreme Court decision is also not here. Photostat copies of three pages are produced here which does not even contain the title, name of the court or any other details. Hence it cannot be considered. Therefore the argument based on such a judgment of the Supreme Court and a scheme of promotion allegedly existing in the Bank cannot be considered.

10. On behalf of the union it is contended that the revised eligibility criteria as per Ext. W-1 circular is intended to be made applicable prospectively and not retrospectively. But the management has given retrospective application and denied opportunity to the employees in question from appearing for the skill test for promotion. According to the union these employees joined the Bank prior to the issuance of Ext. W-1 and which cannot be made applicable to them. But according to the union the management has applied the circular retrospectively and the action of management is highly arbitrary, illegal and mala fide. As stated above competency of the management to issue Ext. W-1 circular is not at all challenged. In the present case no retrospective effect has been given to the amended eligibility criteria. The management has only enhanced the educational qualification in 1983 and the Typists who joined the Bank prior to 1983 were not exempted. The affected Typists had not requested for any exemption from the revised eligibility criteria or qualification. Further the Bank has conducted the skill test for promotion after 12 years only and the employees had sufficient and more time to acquire the revised educational qualification. It is also noticeable that the employees have not been reverted from the post of Typist on the ground of lack of any qualification as per Ext. W-1 circular. No doubt the chance of promotion or the right to be considered for promotion is adversely affected which cannot be considered as retrospective effect being given to the 1306 GI/98 -11

revised educational qualification. The above view is supported by a decision of the Supreme Court in K. Jagadeesan V. Union of India (AIR 1990 SC 1072). The apex court while considering a similar case has made the following observations in para 7 :—

"In our opinion, no retrospective effect has been given to the said amended rule. It is not argued that the appellant has been reverted from the post which he occupies on the ground of any lack of any qualification. The only effect is that his chances of promotion or his right to be considered for promotion to the higher post is adversely affected. This cannot be regarded as retrospective effect being given to the amendment of the rules carried out by the impugned Notification and the challenge to the said Notification on that ground must fail".

The above observation fully settles the controversy here.

11. In the case of Shri P. P. Mohanan the union has a further contention that he was a confirmed stenographer of the Bank's Bombay Office till 1984 and the denial of opportunity to such an employee on account of revised norms is unjust and against all canons of natural justice. It is not disputed that Shri Mohanan was a confirmed stenographer till 1984. But as stated by the management, which is not disputed also, that he had voluntarily sought mutual transfer to Trivandrum on compassionate ground and as there was no post of stenographer in Trivandrum and mutual transfer was allowed by the Bank only in the same cadre in which both optees seek mutual transfer, Shri Mohanan had suo moto opted for Typist's post as per the terms and conditions of mutual transfer accepted by him. He was accordingly reverted to the post of Typist. It is also not disputed that the seniority of Typists is maintained office-wise and on mutual transfer the seniority is fixed in the transferee office by allotting normal seniority of the employee or the seniority of the employee in whose place he is being transferred whichever is lower. After getting transfer to Trivandrum as Typist accepting the mutual transfer conditions he cannot now turn round and claim the post of stenographer on the ground that he was a confirmed stenographer earlier. Further he is admittedly not having the revised educational qualification for appearing the skill test for promotion to the post of stenographer. Apart from all these he is not within the zone of consideration as he does not fall within twice the number of Typists to be called for appearing for the skill test. In view of the above reasons the claim of the union in respect of Shri Mohanan is devoid of merit.

12. Now remains the question regarding issuance of notice under Sec. 9-A of the Act. According to the union by issuing Ext. W-1 circular the management has changed the service condition of the employees but at the same time the notice of change in service conditions as per the provisions of Sec. 9-A of the Act has not been given by the Bank to the workman. The argument is that the action of management is highly illegal and unjust. As held by me above enhancing the educational qualification as per

Ext. W-1 circular is necessarily a service condition. The management has admitted in para 4 of their statement dated 10-6-1987 filed before this Tribunal that administrative instructions issued by the Bank from time to time are service conditions. The Supreme Court in Mohammed Shujat Ali V. Union of India (1975 3 SCC 76) held that the right to be considered for promotion is a condition of service. The National Industrial Tribunal, in complaint No. NTB 2/80 and 3/80 has also held so following the above Supreme Court decision. Now the question is whether notice under Sec. 9-A of the Act was necessary in this case. The Bank has issued Ext. W-1 circular enhancing the educational qualification as early in 1983 and the employees had not questioned the competency of the Bank, to issue such a circular. The validity of that circular was also not under challenge. Only in 1995 the union has moved a representation for denying the opportunity to the three employees on the basis of Ext. W-1 circular. The complaint of the employees is too belated. It is also noticeable that the Bank has not conducted any skill test for promotion to the post of stenographer till 1995 and the change in the qualification has not adversely affected the employees till 1995. The employees had a period of 12 years to acquire the enhanced qualification. Further as held by the Allahabad High Court in G. O. Wahal V. Manager Reserve Bank of India Kanpur (1983 LIC 738) promotion to higher post does not fall in any of the entries contained in the IVth Schedule to the Act. The observations made by the court in para 12 is worth quoting as below :—

12. "S. 9-A of the Industrial Disputes Act, 1947 lays down that no employer shall change the conditions of service of any workman in respect of any matters specified in the IV Schedule without giving notice to the workman. It was urged that the modified scheme of promotion made changes in the conditions of service applicable to the petitioners and as no notice was given to the employees before making the change, the modified scheme contravened S. 9-A of the I. D. Act. The notice to the workman is required to be given only if there is change in the conditions of service in respect of matters enumerated in the IV Schedule. Promotion to higher post does not fall in any of the entries contained in the IV Schedule to the I. D. Act, 1947, consequently no notice as contemplated by S. 9-A of the Act was necessary to be given to the employees. Moreover, the modified scheme of promotion did not make any change in the conditions of service, the Reserve Bank, was, therefore, not under any legal obligation to comply with the provisions of S. 9-A of I. D. Act, 1947."

In view of the above discussion particularly in the light of the observation of the High Court stated above no notice as contemplated by Sec. 9-A of the Act was necessary to be given to the employees in this case. The action of management is therefore not illegal or unjust as argued by the union.

13. For the forgoing reasons, I hold that the action of the management of Reserve Bank of India in not allowing the senior most Typists to take the skill test for promotion to the post of stenographers is fair and reasonable and the workmen are not entitled to any relief.

An Award is passed accordingly.

C. N. SASIDHARAN, Industrial Tribunal.

## APPENDIX

Witness examined on the side of the Management.

MW 1. Shri R. Pankajakshan Nair.

Document marked on the side of the Workmen.

- Ext. W-1. Photostat copy of the Office circular No. 714 issued by the management Bank dated 25-3-1983.
- Ext. W-2. Photostat copy of Memo No. 3490, dated 4th November, 1978 issued by Reserve Bank of India Bombay to Shri P. P. Mohanan.
- Ext. W-3. Photostat copy of memorandum dated 13-9-1998 issued by Reserve Bank of India, Bombay to Shri P. P. Mohanan.
- Ext. W-4. Photostat copy of letter No. D. A. Staff (Sec. 1) No. 14955/57(17)-83/84, dated 6-7-1984 issued by Reserve Bank of India, Central Office, Bombay.
- Ext. W-5. Photostat copy of letter of admission dated 23-7-1984 issued by Reserve Bank of India, Services Board to Shri P. P. Mohanan.
- Ext. W-6. Memo DBOD (T) No. Sta. 4504/C-1 (f). 82, dated 5-2-1982 issued by Reserve Bank of India, Trivandrum to Shri Raghavan Rajendran.
- Ext. W-7. Copy of representation, dated 20-4-1995 to the Principal Chief General Manager, Reserve Bank of India, Central Office, Bombay by Shri G. Chandu Naik.
- Ext. W-8. Photostat copy of letter No. ADM/ Sta. 474/01.02.07/95.96, dated 22-7-1995.

नई दिल्ली, 6 मई, 1998

का.आ. 1067.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देलीकाम, मुम्बई (एम टी. एन. एल.) के प्रबन्धन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुवृत्त में विविध औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-5-98 को प्राप्त हुआ था।

[संख्या एल.-40011/5/96-आई आर (डी यू)]

पी.जे. मार्टिन, डैस्क अधिकारी

New Delhi, the 6th May, 1998

S.O. 1067.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom. Bombay (MTNL) and their workmen, which was received by the Central Government on 5-5-1998.

[No. L-40011/5/96-IR (DU)]

P. J. MICHAEL, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 2

MUMBAI

PRESENT

Shri S.B. PANSE,

Presiding Officer

REFERENCE NO. CGIT-2/16 OF 1998

PARTIES :

Employers in relation to the management  
of Telecom. Bombay (MTNL).

AND

Their Workmen.

APPEARANCES :

For the Management : No appearance.

For the Workmen : No appearance.

State : Maharashtra.

Mumbai, dated the 7th day of April, 1998

### AWARD

The Govt. of India by its letter dated 19th February, 1998 had referred to the following Industrial dispute for adjudication.

“Whether the action of the management of Mahanagar Telephone Nigam Ltd., Bombay in retrenching 20 workmen (list enclosed) is justified? If not, to what relief are the workmen entitled to?”.

2. The Secretary of the Tribunal had given a note of today's date, stating that by an order

dated January 21, 1998 a reference was sent which is of the same nature. Now it is numbered as CGIT-2/5 of 1998. The notices were issued and parties appeared in the matter. The learned Advocate informed that the reference is in respect of 21 persons. He also made a representation to the Ministry thereafter. A corrigendum was received by the Tribunal enclosing the names of 20 persons and one additional name.

3. The present reference is identical like that which is earlier pending in this tribunal. It appears that by mistake the same reference is made. The names of the parties mentioned in reference of 5 of 1998 are the same in the present reference and the wording of the schedule are identical. Hence I pass the following order.

### ORDER

The reference is disposed off as another reference of the same nature appearing No. 5 of 1998 is pending before the Tribunal.

S. B. PANSE, Presiding Officer

नई दिल्ली, 6 मई, 1998

का.आ. 1068.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ मालाबार ग्रामीण बैंक, मालापूरम के प्रबंधन के संबंध में उनके कर्मचारियों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में लेबर कोर्ट, कोझिकोड-1 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-5-98 को प्राप्त हुआ था।

[संख्या प्ल-12012/151/92-आई.-आर.-डी. III (बी-I)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 6th May, 1998

S.O. 1068.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Kozhikode-I as shown in the Annexure in the industrial dispute between the employers in relation to the management of South Malabar Gramin Bank, Mallapuram and their workmen, which was received by the Central Government on 5-5-1998.

[No. L-12012/151/92-IR-D.III/(B-I)]

P. J. MICHAEL, Desk Officer

### ANNEXURE

IN THE LABOUR COURT, KOZHIKODE, KERALA  
STATE

Dated this the 24th day of January, 1998

PRESENT :

Shri P. Q. Bankath Ali, B.Sc., LL.B., Presiding Officer.  
I. D. (C) 2/93

## BETWEEN

The Chairman,  
South Malabar Gramin Bank,  
Head Office, Mallapuram,  
Kerala-676365

..Management

## AND

The General Secretary,  
South Malabar Gramin Bank,  
Deposit Collectors Union,  
C/o South Malabar Gramin Bank,  
Kizhiseri Branch,  
P.O. Kuzhamanna 673641  
Mallapuram Dist., Kerala

..Union

## Representations :

Sri K. V. Sachidanandan,

Advocate Kozhikode: ..For Management

## AWARD

This is an industrial dispute between the management of South Malabar Gramin Bank, Mallapuram and its workmen represented by the General Secretary, South Malabar Gramin Bank Deposit Collectors Union, Mallapuram which is referred for adjudication to this Court by order No. L-12012/151/92-IR-D.III/(B-I) dated January 28, 1993.

## 2. The issues referred for adjudication are :--

- (i) Whether the demand of South Malabar Gramin Bank Deposit Collectors Union (Regd.) to absorb Nithya Nidhi Deposit Collectors as bank employees in South Malabar Gramin Bank is justified? If so, to what reliefs they are entitled to?
- (ii) Whether the action of the management of South Malabar Gramin Bank in reducing the commission from 3.5% to 3% in the year 1976 and from 3% to 2.5% w.e.f. 2-5-1978 to N.N.D. Collectors is justified? If not, to what reliefs they are entitled to?

## 3. The material averments in the statement of union in brief are these :--

The management-bank is a rural bank established for the purpose of the development of the rural areas of Mallapuram and Kozhikode Districts and a part of Wynad District which forms the Southern part of the erstwhile Malabar province. The management bank engaged several Nithya Nidhi Deposit Collectors for collecting Nithya Nidhi collections, canvassing and collection of fixed deposits, collection of loan amounts and for various other banking activities. The functions discharged by these deposit collectors are the same as those of clerks in the bank. There are about 200 Nithya Nidhi Deposit Collectors working under the management from 1976 onwards. They are appointed after proper verification and ascertaining their qualifications. They are under the direct control of the management-bank. They have to attend the bank at 10 A.M. with the amount collected in the previous day and pay the same in the bank and cause all the necessary entries to be made in the relevant registers, documents etc. After collecting necessary cards and forms from the bank they have to go to the field where they have to enroll customers who joined the daily deposit collection scheme, receive loan amount from the loanees and also to canvass fixed deposits. The collection made by the N.N.D. Collectors are the main source of income of the bank. They form the integral part of the management-bank. But management is considering them as second grade employees of the bank. They were not given privileges and benefits of the regular employees. The various judgments of the High Court and other authorities go to show that N.N.D. Collectors have to be treated as regular employees of the bank. The management has without consulting the union, reduced the commission of the N.N.D. agents. If there was any circumstance which necessitated the reduction in the commission the management ought to have held discussions with the union. Therefore, the act of

the management reducing the commission of the N.N.D. Agents cannot be justified. Therefore an award may be passed holding that N.N.D. Collectors of the management-bank are entitled to be considered as regular employees with retrospective effect from the date of their appointment and that they may be granted all the benefits and privileges of regular employees. It may also be held that the act of the management reducing the commission of N.N.D. Agents is arbitrary and unilateral. Therefore, the same may be set aside. The management may be directed to reimburse the commission illegally reduced by the management.

4. The management is South Malabar Gramin Bank with its Head Office at Mallapuram represented by its Chairman who filed a statement containing thus :--

It is not correct to say that Nithya Nidhi Deposit Agents are the regular employees of the bank. A perusal of the Nithya Nidhi Deposit Scheme and the agreement entered into between the management and the N.N.D. Agents clearly show that the N.N.D. Agents are only agents of the bank. They are given only commission proportionate to the amount collected. They are not paid wages or salaries as in the case of other employees of the bank. They are also not entitled to promotions, allowance etc. which are available to other employees of the bank. The management cannot direct or control them about the manner in which the work is to be done. They are under no obligation to obey the regulations, circulars, rules etc. of the bank. The branch managers have no control over them. The service code of the bank does not apply to them. No deduction is made from their commission towards P.F. or other employees welfare schemes, N.N.D. Agents are independent contractors. They have no fixed hours of work or fixed place of work. They are not required to mark any attendance. The terms of agreement only provide that they have to remit the previous day's collection before the closing of banking hours on the next working day. N.N.D. Agents are at liberty to take up other assignments or any employment. They are not entitled to travelling allowance for collecting the deposits. There is no age restriction. There is no retirement age for them. Prior permission is not required to avail leave. In the light of the principles laid down in M/s. Dhanugasidha Chemicals Works Ltd. vs. State of Saurashtra and others (AIR 1957 SCP 264) the relationship between the management bank and N.N.D. Agents is one of principal and agents. The management bank or other regional rural banks were not parties before the award passed by the Central Government Industrial Tribunal, Hyderabad. Therefore, the said award is not binding on the management-bank. Section 10 (1)(b)(2) of the Banking Regulation Act as amended by the Banking Companies (Amendment) Act provides that no banking company shall employ or continue to employ any person whose remuneration or part of remuneration takes the form of commission. Therefore, treating N.N.D. Agents as workmen is violative of the above provision. The question whether the N.N.D. Agents are workers as defined under Industrial Disputes Act may be considered as a preliminary issue. The rates of commission are decided by the Board after taking into consideration all the aspects and circumstances. Therefore an award may be passed rejecting the claim of the union.

## 5. The following points arise for consideration :--

- (1) Whether the N.N.D. Agents of the management-bank are workers as defined in Section 2(s) of the Industrial Disputes Act?
- (2) If so, whether they are entitled to be absorbed as regular employees of the management-bank?
- (3) Whether the action of the management-bank reducing the commission of Nithya Nidhi Deposit Agents is justified?

## (4) What are the reliefs to which the union is entitled to ?

6. WW-1 and WW-2 were examined and Exts. W-1 to W-42 were marked for the union. WW-1 was examined and Exts. W-1 to W-4 were marked on the side of the management.

7. Point No. 1.—The case of the union as testified by WW-1, one of the Nithya Nidhi Deposit Collectors of the Channayya Branch of management-bank and WW-2, the General Secretary of the union is that as the N.N.D. Collectors of the bank has to be treated as regular employees of the bank and that they should be absorbed as the regular employees of the bank. They have further sworn that the action of the management bank reducing the commission of the N.N.D. Agents is not justified. The management-bank mainly contended that the N.N.D. Collectors are agents and are not workers as defined in Section 2(s) of the Industrial Disputes Act and that therefore, they are not entitled to any of the reliefs prayed for. Therefore, the main question to be decided is whether the Nithya Nidhi Deposit Collectors are workers as defined under the Industrial Disputes Act. For the following reasons I am inclined to hold that Nithya Nidhi Deposit Agents of the management-bank cannot be considered as workers as defined in Section 2(s) of the Industrial Disputes Act. Firstly, to constitute a workman as defined in Section 2(s) of the Industrial Disputes Act, the following conditions are to be satisfied : (a) employment in any industry (b) workman should be employed to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work. (c) The workman should be employed for hire or reward (d) There must be terms either express or implied of employment. It is not disputed that N.N.D. Agents were not employed to do any manual work, unskilled, skilled, technical, operational, clerical or supervisory work. Ext. W-7, the copy of an agreement executed by a N.N.D. Agent and management bank is not a contract for employment, but a contract of agency. The N.N.D. Agents were only getting a commission on the basis of the amount collected by them. Thus, the employment of Nithya Nidhi Deposit Collectors does not satisfy the conditions prescribed in Section 2(s) of the Industrial Disputes Act.

8. Secondly, it is the admitted case of the union that for appointment as a collection agent, there is no prescribed academic qualification. There is no age limit as in the case of other employees of the bank. There is no selection process involved and there is no retirement age. N.N.D. Agent can join any day and retire any day. They are entitled to only the commission on the basis of the amount collected by them. Therefore the dispute between the management and the union cannot be termed as an industrial dispute as defined in Section 2(k) of the Industrial Disputes Act.

9. Thirdly, there is no evidence to show that the management-bank has any control over the Nithya Nidhi Deposit Collectors. There is no appointment order issued by the bank. The N.N.D. agents used to make themselves available for work only during certain working hours. The bank has no control over the manner of their work. They are not required to mark any attendance. They are not paid any wages or salary as is done to other employees. They are not engaged under any service order. The service code of the bank does not apply to them. No question of transfer is involved in this case. They can either come or not to come. Under these circumstances the N.N.D. Agents cannot be treated as workers as defined in Section 2(s) of the Industrial Disputes Act.

10. Lastly, Ext W-1 to W-42 produced by the union and the evidence of WW-1 and WW-2, one of the N.N.D. Agents and the Secretary of the union respectively do not in any way help the union to show that the N.N.D. Agents of the management bank are regular employees of the bank. Ext. W-1 series are only leaflets showing the different types of deposits entertained by the management-bank. Ext. W-2 is a copy of circular issued by the management bank in which the manner in which Nithya Nidhi Deposits have to be opened is mentioned. Based on Ext. W-2 and other circulars issued by the bank the counsel for the union argued that N.N.D. Agents are under the direct control of the Manager of the management bank. There is no force in the above contention. Even in Ext. W-2 it is provided that N.N.D. Agents can enroll subscribers independently and that they

need attend the bank only at 10 A.M. to remit the amount collected on the previous day. All these facts clearly show that the Manager of the management bank has no control over the N.N.D. Agents regarding the manner in which they should work.

11. Ext. W-3 is a copy of identity card issued by the management bank to WW-1 which shows that WW-1 is authorised to collect amount due under Nithya Nidhi Deposits only. Ext. W-4 is a copy of a portion of a circular issued by the management-bank wherein it is stated that the N.N.D. Agents should have studied upto S.S.L.C. The counsel for the union argued that as the minimum qualification has been prescribed for a N.N.D. Agent in Ext. W-4 they should be treated as the regular employees of the bank. There is no merit in the above contention. What is stated in Ext. W-4 is only a direction issued by the Head Office of the Regional Rural Bank. Nothing has been mentioned in Ext. W-2 regarding the qualification of all N.N.D. Agents. That apart, merely because it is stated in Ext. W-4 that N.N.D. Agent should have studied upto S.S.L.C. it cannot be said that they are the regular employees of the bank. I have already found that employment of N.N.D. Agent do not satisfy the requirements of a workman as defined in Section 2(s) of the Industrial Disputes Act.

12. Ext. W-5 is a copy of N.N.D. Specimen signature card issued by the management-bank to N.N.D. Agents. Ext. W-6 is a specimen signature card issued after this dispute arose. Ext. W-7 is a copy of the agreement executed by a N.N.D. Agent and the management bank. A perusal of Ext. W-7 shows that the relationship between the N.N.D. Agents and the management-bank is that of a principal and the agent. Clause 7 in Ext. W-7 does not totally prohibit the N.N.D. Agents from accepting any other job. It only prohibits them from doing any similar work or render any similar service to any other institution. Thus even working as daily deposit collector N.N.D. Agents can do other works in other institutions. Clause 16 of Ext. W-7 permits the N.N.D. Agents to authorise any competent person to do his work if the N.N.D. Agents were unable to do the job on the ground of personal illness, temporary incapacity, or temporary inability to attend the work. Such privileges are not allowed to a regular worker. Thus it is clear from Ext. W-7 that N.N.D. Agents are not the regular employees of the bank.

13. Exts. W-9 to W-12 are some of the circulars issued by the management-bank regarding the manner of working of the N.N.D. Agents. It is argued by the counsel for the union that it is stated in those circulars that loans should be repaid through N.N.D. Agents and that therefore N.N.D. Agents have also other works to do in addition to the collection of N.N.D. amounts which shows that N.N.D. Agents are regular employees of the bank. I do not agree. What is provided in those circulars is that only N.N.D. linked loans have to be repaid through N.N.D. Agents. N.N.D. Agents have no authority to collect the payment towards other loans. Therefore, the above argument of the counsel for union that N.N.D. Agents are regular employees of the management-bank cannot be accepted.

14. Ext. W-13 and W-14 are 2 letters dated 6-7-1989 and 21-12-1988 respectively sent by the Area Manager of the management-bank congratulating WW-1 for his performance. Ext. W-15 is the communication issued by All India Bank Deposit Collectors Union to all its members which contains a copy of the award of Industrial Tribunal, Andhra Pradesh, Hyderabad in I. D. 14/80 dated 22nd December 1988. It has been held therein that deposit collectors of a bank are the workers of the bank as defined in Section 2(s) of the Industrial Disputes Act and are entitled to be absorbed as regular employees of the bank. It is argued by the counsel for union that as Canara Bank, the sponsor Bank of the management Bank is a party to those proceedings the findings in that award is binding on the management Bank. I am unable to agree. In my view, the said award is not binding on the management as none of the Rural Banks were parties to those proceedings. Ext. W-34 is the copy of the letter dated February 10, 1990 of the Manager of the Canara Bank which is the sponsored bank of the management bank to the management bank stating that the award of the Industrial Tribunal, Hyderabad is not applicable to Regional Rural Banks as none of the Regional Rural Banks are parties to the said award. Therefore, the contention of the union that management bank is bound by the recommendations made in that award cannot be accepted.

15. Ext. W-16 is the copy of the order of Bank of Baroda accepting the award mentioned in Ext. W-15 dated December 2, 1983. Bank of Baroda was a party to the proceedings before the Industrial Tribunal, Hyderabad. Therefore, Bank of Baroda is bound by that award. As stated earlier as the regional rural banks were not parties to the proceedings before the Industrial Tribunal, Hyderabad the award in I. D. 14/80 of Industrial Tribunal, Andhra Pradesh, Hyderabad is not binding on the management bank. Ext. W-17, W-18, W-19 and W-20 are copies of some of the circulars issued by the management bank. It is provided in Ext. W-19 that N.N.D. Agents are entitled to conveyance charges. Referring to Ext. W-19, the counsel for union contended that like a regular employee the N.N.D. Agents are also paid conveyance allowance. I am unable to agree. The conveyance charges mentioned in Ext. W-19 cannot be equated with the other allowances payable to regular employees. The conveyance charges mentioned in Ext. W-19 have to be paid on the basis of the amount collected by the N.N.D. Agents. That being so, the conveyance charges mentioned in Ext. W-19 cannot be regarded as similar to the allowance payable to the regular employees.

16. Ext. W-21 is the copy of the annual report of the management bank of the year 1991-92. Ext. W-22, W-24, W-25 and W-26 are only copies of letters sent by WW-2 as Secretary of the union to the management bank. Ext. W-23 is a copy of the letter issued by the management to Sri P. C. Velayudhan an N.N.D. Agent dated November 25, 1992 calling upon him to file explanation for some irregularities committed by him. Ext. W-27 is the deposit pass book of N.N.D. Deposits. Ext. W-28 is the copy of the order of management dated August 27, 1991 terminating the agency of Mr. P. Damodaran an N.N.D. Agent. Ext. W-30 is the copy of the order of management dated December 27, 1989 terminating the agency of the N.N.D. Agent Sri Chami. Ext. W-31 is the notice given to Sri Alavi, N.N.D. Agent of Omannur Branch of management bank dated July 30, 1988 directing him to improve his work. Relying on Ext. W-28, W-30 and W-31, the counsel for union argued that manager of the management bank can take disciplinary action against an N.N.D. Agent as in the case of regular worker and that therefore N.N.D. Agents have to be treated as regular employees of the bank. There is no merit in the above contention of the union. If any irregularity is committed by an N.N.D. Agent, management can terminate his agency but cannot take any disciplinary action and impose punishment like withholding increments etc. as in the case of a regular employee. That being so, Exts. W-28, W-30 and W-31 do not in any way show that management bank has any control over the working of N.N.D. Agents as in the case of a regular worker.

17. Ext. W-29 is the copy of memorandum of settlement entered into between the Bank of India and its workers agreeing to implement the recommendations of the award of Industrial Tribunal, Hyderabad. But Bank of India was a party to the said award and is bound by the said award, either the management bank or other rural banks are not parties in the said proceedings. Therefore the management bank is not bound by the recommendations made in the award of Industrial Tribunal, Hyderabad. Ext. W-32 is a copy of circular issued by the management bank regarding income tax to be paid by the N.N.D. Agents. Ext. W-33 is a copy of Form 16-A under Income Tax Act of an N.N.D. Agent Sri K. Rajagopal regarding the tax deducted at source. Ext. W-35, W-36 and W-37 are some of the circulars issued by the management bank regarding working of the N.N.D. Agents which does not show that management bank has any control over the manner of the work to be done by the N.N.D. Agents. Ext. W-38 is a copy of letter issued by the management bank to Sri Kunhimohammed, an N.N.D. Agent appreciating his work. Ext. W-39 is a letter issued by the management bank dated 7-6-1979 appointing Sri Kunhimohammed as the N.N.D. Agent. It is stated in that letter that in interview was held on May 24, 1979 regarding the appointment of Sri Kunhimohammed as N.N.D. Agent. Relying on Ext. W-39 the counsel for union argued that as in the case of a regular worker and N.N.D. Agent is appointed after conducting an interview and that therefore there is no difference between an N.N.D. Agent and a regular employee. There is no force in the above contention. No selection process is involved in this matter as contended by the union. There is no evidence to show that there were other applicants for the post and from them Sri Kunhimoham-

med was selected. That being so, the above contention of the union has only to be rejected. Ext. W-40 is only a letter issued to Sri Kunhimohammed on 22-5-1979 asking him to appear before the management bank on May 24, 1979. Ext. W-41 and W-42 are only copies of letters issued by the Area Manager of the management bank to the manager of the management bank regarding the sanction of loans to some persons. It is evident from all these that Ext. W-1 to W-42 produced by the union do not help the union to show that the N.N.D. Agents of the management bank are workers as defined in Section 2(s) of the Industrial Disputes Act.

18. The oral evidence adduced by the union is not satisfactory. WW1 and WW2 testified that the N.N.D. Agents are regular employees of the management bank, but when cross examined they admitted that no appointment orders are issued to N.N.D. Agents. They further admitted that the N.N.D. Agents have no attendance register, that they have no restriction regarding the age for recruitment and that staff selection rules are not applicable to N.N.D. Agents. On the other hand, MW1, the manager of Industrial Division of South Madras Gramin Bank and MW2, the Manager of the Kovvode branch of the management bank testified in a convincing manner that the service code of the management bank is not applicable to the N.N.D. Agents, that they are entitled to only commission proportionate to the amount of deposit collected and that the bank has no control over the N.N.D. Agents regarding the manner in which they should work. They further testified that the N.N.D. Agents have no fixed hours of work and that they need remit the amount collected on the previous day in the bank at 10 A.M. on the next day. The union mainly relied on the decision in the management of Indian Bank, Madras v. Presiding Officer, Industrial Tribunal (Central) Madras (1991-Lab. I.C. 557). In that case a lady deposit collector of the management bank was terminated from service. Confirming the award of the Industrial Tribunal, the High Court in that case held that she was a worker as defined in Section 2(s) of the Industrial Disputes Act. Relying on the above decision, the counsel for the union argued that same principles apply to the present case also and that therefore N.N.D. Agents have to be treated as workers as defined in Section 2(s) of the Industrial Disputes Act. There is no merit in the above contention. The ratio of the above decision does not apply to the facts of the present case. In that case a regular appointment order was issued to the tiny deposit collectors by the management bank and in the agreement between the worker and the management it is provided that the worker has to do clerical work if required. But no appointment orders were issued to N.N.D. Agents. Admittedly they were appointed under an agreement. Therefore in my view the principles laid down in the above case do not apply to facts of the present case.

19. That apart, in M.P. Sankarankutty v. Labour Court and others (1996 Lab. I.C. 2555) it has been held that a person who works as a money bag agent who is engaged in door to door collection and enrolls subscribers for the deposit scheme of the bank who need not have any prescribed qualification and recruitment age, is not an employee of the bank. The same principles apply to the present case. No appointment orders were issued to the N.N.D. Agents. They are not required to mark any attendance. They have no retirement ages. The service code of the management bank does not apply to them. Having regard to all these facts and circumstances, accepting the evidence of MW1 and MW2 and rejecting the evidence of WW1 and WW2 I hold that Nithya Nidhi Deposit Collectors of the management bank are not workers as defined in Section 2(s) of the Industrial Disputes Act.

20. Point No. 2:—In view of my above finding, the Nithya Nidhi Deposit Collectors of the management bank are not entitled to be absorbed as regular employees of the management bank.

21. Point No. 3:—In the light of my above findings, this point does not arise for consideration.

22. Point No. 4:—As I have found that the Nithya Nidhi Deposit Collectors of the management bank are not workers as defined under the Industrial Disputes Act, the reference itself is invalid. That being so, the union is not entitled to any of the reliefs prayed for. It follows that an award has to be passed rejecting the claim of the union.

23. In the result, an award is passed rejecting the claim of the union.

Dicrated to the Confidential Assistant, transcribed by him, revised, corrected and passed by me on the 24th day of January, 1998.

P. Q. BARKATHAJI, Presiding Officer

### APPENDIX

Witnesses examined on the side of the Management :—

MW1—R. P. Ravendran, S/o Demodaran.

MW2—P. N. Gopalakrishna Pillai, S/o Narayana Panicker.

Witnesses examined on the side of the Union :—

WW1—Vishwanadhan, S/o. Sankara Pillai.

WW2—Kunhimuhammad, S/o. Alavi.

Documents marked on the side of the Management :—

Ext. M1—Receipt No. 166093 of South Malabar Gramin Bank.

Ext. M2—South Malabar Gramin Bank Nidhya Nidhi Collection sheet.

Documents marked on the side of the Union :—

Ext. W1—True copy of Leaf-let issued by the Management (Series) Establishment.

Ext. W2—True copy of the Circular issued by the Management establishment in the year 1976.

Ext. W3—True attested photostat copy of the Identity Card issued to Sri P. Viswanathan on 21-8-1978 by the Branch Manager, SMGB, Chulliyode Branch.

Ext. W4—True copy of Regional Rural Bank proceedings of the management bank.

Ext. W5—True attested photo copy of the RD/NND application cum specimen signature card.

Ext. W6—NND Application-cum-Specimen signature card.

Ext. W7—True copy of agreement dated 16-7-1977 executed between Sreedharan T.K. and South Malabar Gramin Bank, Karuvarakundu.

Ext. W8—True copy of Circular No. 79/77 dated 1-8-1977 of the Management.

Ext. W9—True copy of Circular No. 106/77 dated 8-11-1977 of the Management.

Ext. W10—True copy of Circular No. 19/78 dated 13-2-1978 of the Management.

Ext. W11—True copy of Circular No. 48/78 dated 3-5-1978 of the Management.

Ext. W12—True copy of Circular No. 59/78 dated 8-7-1978 of the Management.

Ext. W13—Letter No. AM(ML)ORO-/CHOD/325/89-90 dated 6-7-1989 issued to Mr. Viswanathan by the Area Manager, SMGB, Malappuram.

Ext. W14—Letter No. 9 SMGB.EF.4315/88 P & D dated 21-12-1988 issued to P. Vishwanathan, Chulliyode Branch by the Senior Manager, SMGB, Malappuram.

Ext. W15—True attested photo copy of the Award of the Industrial Tribunal, Hyderabad, in I.D. No. 14/80.

Ext. W16—True copy of Appointment Order No. RM.PD.3/3197 dated 2-12-1983 issued by the Management of Bank of Baroda.

Ext. W17—True copy of the Circular No. 46/78 dated 29-4-1978 of the management.

Ext. W18—True copy of the Circular No. 11/79 dated 21-2-1979 of the management.

Ext. W19—True copy of Circular No. 28/79 dated 27-3-1979 of the management.

Ext. W20—True copy of Circular No. 49/79 dated 18-6-1979 of the management.

Ext. W21—True copy of 16th Annual Report 1991-92 of South Malabar Gramin Bank.

Ext. W22—True copy of letter No. 9 SMGB. 0095. 1992-93 IR. dated 8-6-1992 issued by the Senior Manager, SMGB to the General Secretary, SMGB.

Ext. W23—True copy of the letter No. 9/SMGB/610/92-93/IN dated 25-11-1992 issued to Mr. P. Velayudhan by the management.

Ext. W24—True copy of the letter No. 9/SMGB. 664/92-93 IR dated 14-12-1992 issued by the Manager to the General Secretary, South Malabar Gramin Bank.

Ext. W25—True copy of the letter No. 719/92-93/IN. dated 22-12-1992 issued to Mr. P. Kunhu Mohammed, Gl. Secretary, SMGB by the General Manager.

Ext. W26—True copy of the letter No. 266/92-93 28-1-93 issued to Sri Kunhu Mohammed, Gl. Secretary, SMGB by the Sr. Manager, SMGB.

Ext. W27—N.N.D. Pass Book No. 2448 issued to P. Abbas, by the Manager, Chulliyode Branch.

Ext. W28—Notice No. 9/SMGB/NND/1186/91-92/IR/dated 27-8-1991 issued to Sri P. Damodaran by the Management (True copy).

Ext. W29—True copy of Memorandum of settlement dated 21-10-1991 between the Management of Bank of India and their workmen represented by Federation of Bank of India staff union.

Ext. W30—True copy of termination order issued to Mr. A. K. Chinnan dated 27-12-1985 by SMGB, Velam Branch.



Ext. W31—True copy of Letter No. SMGB. NND. 104488 IR. dated 30-9-1988 issued to M. K. Alavi by the Management.

Ext. W32—True copy of Circular No. 98/91-92 dated 15-1-1992.

Ext. W33—True copy of Form No. 16A under the Income Tax Act.

Ext. W34—True copy of Letter No. CWLRB. 343295 SUG. 90 dated 10-2-1990 issued by the General Manager, SMGB.

Ext. W35—True copy of Circular No. 105/90-91 dated 5-2-1991 issued by the management.

Ext. W36—True copy of Circular No. 33/90-91 dated 20-7-1990 issued by the management.

Ext. W37—True copy of Circular No. 51/79 dated 3-7-1979 of the Management.

Ext. W38—True copy of Letter No. 141 : DM : 4755. 90-91 P & D dated 9-10-1990 issued to Sri P. Kunhu Mohammed, NND Agent, Kishiserry Branch, by the General Manager, SMGB.

Ext. W39—Letter dated 7-6-1979 issued by the management to Sri P. P. Moideenkunhi.

Ext. W40—Letter dated 22-5-1979 issued by the management to one P. P. Moideenkunhi.

Ext. W41—Copy of the Letter No. 11/SMGB/AD dated 22-8-1996.

Ext. W42—Copy of the Letter No. 11/SMGB/AD dated 22-8-1996.

नई दिल्ली, 6 मई, 1998

का.श्रा. 1069—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ मालाबार ग्रामीण बैंक, मालापुरम, के प्रबन्धन के संरक्षक नियोजकों और उनके कर्मचारों के बीच, अनुग्रह में निश्चित औद्योगिक विवाद में लेबर कोर्ट, कोलाई कोडे I के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-5-98 को प्राप्त हुआ था।

[संख्या एन-12012/231/91-आईआर. (बी.आई/बी-1)  
पी. जे. माईकल, डैरत अधिकारी

New Delhi, the 6th May, 1998

S.O. 1069.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Kozhikode-I as shown in the Annexure, in the industrial dispute between the employers in relation to the management of South Malabar Gramin Bank Malappuram and their workman Sri P. K. Sivadasan which is on 5-5-98.

[No. L-12012/231/91-IR.(B.III/B.I)]

P. J. MICHAEL, Desk Officer

## ANNEXURE

IN THE LABOUR COURT, KOZHIOKODE,

KERALA STATE

Dated this the 24th day of January, 1998

PRESENT:

Shri P. O. Barkath Ali, B.Sc., LL.B., Presiding Officer.

I.D. (C) 7/91

BETWEEN

The Chairman,  
South Malabar Gramin Bank,  
Head Office,  
Malappuram-676505.

Management.

AND

Shri P. K. Sivadasan,  
C/o. All Kerala Banks' Deposit  
Collectors Association,  
M.A. Road, Big Bazar,  
Calicut-673 001.

Workman.

REPRESENTATIONS:—

Sri K. V. Sachidanandan, Advocate, Calicut—  
For Management.

Sri. M. Asokan, Advocate, Kozhikode—For  
Workman.

## AWARD

This is an industrial dispute between the management of M/s. South Malabar Gramin Bank, Malappuram and its workman Sri P. K. Sivadasan which is referred for adjudication to this court by order No. L-12012/231/91-JR. B.III dated November 25, 1991.

2. The issues referred for adjudication are :—

"Whether Shri P. K. Sivadasan, Nithya Nidhi Deposit Collection Agent was the workman of South Malabar Gramin Bank? If so, whether the action of the management of South Malabar Gramin Bank in terminating the services of Shri P. K. Sivadasan w.e.f. 21-6-1990 was justified? If not, to what relief Shri P. K. Sivadasan is entitled to".

3. The management filed a statement contending thus:—The reference is not maintainable as this dispute is not an Industrial dispute as defined in the Industrial Disputes Act. The workman was employed as a Nithya Nidhi Deposit Agent under the management by virtue of a written agreement dated August 8, 1982 executed between the management and the workman. As per the terms of agreement, the workman was entitled to only a commission of 2.5% of total collection and the management was empowered to terminate his agency at its discretion. That being so, there was no employer-employee relationship between the management and the workman. The work-



man indulged in activities which defamed the reputation of the bank. Therefore an explanation was called for by letter dated March 3, 1990. As the explanation submitted by the workman was found unsatisfactory his agency was terminated by letter dated June 21, 1990. The workman can only challenge the termination of his service in appropriate forum. Therefore an award may be passed rejecting the claim of the workman.

4. The workman in his statement raised the following contentions:—It is true that the workman was appointed as a Nithya Nidhi Deposit Collector under the management. Instead of wages he was paid commission. But it does not take him away from the purview of the definition of a workman under the Industrial Disputes Act. In addition to the work of a deposit collector the workman used to attend the clerical work in the bank. Therefore there is not difference between the workman and the other workers of the bank. The question whether daily deposit collectors are workmen or not has been finally decided by the National Tribunal, Hyderabad. Therefore, the management is not entitled to raise such a question in this dispute. The management was not on good terms with the brother of the workman whose building was let out to the bank. Therefore, the management terminated the service of the workman without conducting an enquiry and also without giving him an opportunity to explain his case. Therefore, the management may be directed to reinstate the workman with backwages, continuity of service and other attendant benefits.

5. The management filed a rejoinder denying the allegations in the statement of the workman and further contending that in the I.D. adjudged upon by the Industrial Tribunal, Hyderabad neither the deposit collectors of Rural Bank nor the Regional Rural Banks were parties and that the said award does not relate to the Regional Rural Banks.

6. The following points arise for consideration :—

- (1) Whether the workman is a worker as defined in Section 2(s) of the Industrial Disputes Act?
- (2) If so, whether the termination of his service by the management is justified?
- (3) What are the reliefs to which the workman is entitled to?

7. WW1 was examined and Exts. W1 and W2 were marked for the worker. On the side of the management MW1 was examined and Exts. M1 to M8 were marked.

8. Point No. 1:—It is not disputed that the workman was appointed as a Nithya Nidhi Collection agent in the management bank by an agreement dated August 8, 1982 executed between the management and the workman. Ext. M4 is the copy of the said agreement. The management contended that workman was only an agent of the bank working on commission basis, that there is no employer-employee relationship between the management and the work-

man and that therefore, the workman cannot be considered as a worker as defined in Section 2(s) of the Industrial Disputes Act. Therefore the first question for consideration is whether the workman is a worker as defined under the Industrial Disputes Act. For the following reasons I am inclined to hold that the workman cannot be treated as a worker as defined in section 2(s) of the Industrial Disputes Act. Firstly, the employment of the worker does not satisfy the conditions laid down in Section 2(s) of the Industrial Disputes Act which defines the term of the workman thus:—

“workman means any person (including as apprentice) employed in any industry to do any manual, unskilled, skilled, technical, Operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched, in connection with or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute but does not include any such person—

- (i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or
- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature”

9. Thus to constitute a workman as mentioned above the following conditions are to be satisfied : (a) employment in any industry (b) workman should be employed to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work. (c) The workman should be employed for hire or reward (d) There must be terms either express or implied of employment. It is admitted that the workman was not employed to do any manual work, unskilled, skilled, technical, operational clerical or supervisory work. The contract evidenced by the original of Ext. M4 is not a contract for employment, but a contract of agency. The workman was only getting a commission on the basis of the amount collected by him. Thus the employment of the worker does not satisfy the conditions mentioned above prescribed in Section 2(s) of the Industrial Disputes Act.

10. Secondly, it is the admitted case of the workman that for appointment as a collection agent there is no prescribed academic qualification. There is no

age limit as in the case of the other employees of the bank. There is no selection process and there is no retirement age. He can join any day and retire any day. He is entitled to only the commission on the basis of the amount collected by him. Therefore, the dispute between the management and the worker cannot be termed as an industrial dispute as defined in Section 2(k) of the Industrial Disputes Act.

11. Lastly, there is no evidence to show that the management bank has any control over the worker. There is no appointment order issued by the bank. The worker used to make himself available for work only during certain working hours. The bank has no control over his work. He is not required to mark any attendance. He is not paid any wages or salary as is done to other employees. He is not engaged under any service order. The service code of the bank does not apply to him. No question of transfer involved in this case. He can either come or not to come. Under these circumstances the worker cannot be treated as a worker as defined in Section 2(s) of the Industrial Disputes Act.

12. The worker mainly relied on the decision in the Management of Indian Bank, Madras v. the Presiding Officer, Industrial Tribunal (Central), Madras (1991 Lab. I. C. 557). In that case a lady tiny deposit collector of the management bank was terminated from service. Confirming the award of the Industrial Tribunal, the High Court held that she was a worker as defined in Section 2(s) of the Industrial Disputes Act. Relying on the above decision, the counsel for the worker argued that in the present case also applying the same principles the worker has to be treated as a workman as defined in the Industrial Disputes Act. I am unable to agree. The ratio of the above decision does not apply to the facts of the present case. In the above case there was an appointment order issued to the worker by the management. But in the present case no such appointment order was issued by the management. In the Indian Bank's case, in the agreement between the worker and the management it is provided that worker has to do clerical work if required. There is no such clause in Ext. M4. Therefore in my view the principles laid down in the above decision do not apply to the present case. That apart, clause 6 in Ext. M4 does not totally prohibit the workman from accepting any other job. It only prohibits him from doing any similar work or render any similar service to any other institution. It is clear from this that even working as a daily deposit collector in the management bank worker can do other works in other institutions. Clause 15 of Ext. M4 permits the worker to authorise any competent person to do his work if the workman was unable to do his job on the ground of personal illness, temporary incapacity or temporary inability to attend work. It is common knowledge that such privileges are not allowed to a regular worker. All these facts show that the workman cannot be treated as a worker as defined in the Industrial Disputes Act.

13. As regards the award of the National Tribunal, I am of the view that the same is not binding on the management Bank as none of the Rural Banks were parties to that proceedings. Our High Court has

held in *M. P. Sankarankutty v. Labour Court and others* (1996 Lab. I.C. 2555) that a person who works as money be agent who is engaged in door to door collection and enrolls subscribers for the deposit scheme of the bank who need not have prescribed qualification and retirement age is not an employee of the bank. The same principles apply in the case on hand also. In present case, no appointment order was issued to the worker. He was not required to mark any attendance. The service code of the bank does not apply to him. Having regard to all these facts and circumstances, accepting the evidence of MW1 and rejecting the evidence of WW1, I hold that the workman is not a worker as defined in Section 2(s) of the Industrial Disputes Act.

14. Point No. 2 and 3.—As it is found that the workman is not a worker as defined in Section 2(s) of the Industrial Disputes Act, the reference itself is invalid. It follows that the termination of service of the worker by the management is valid and that he is not entitled to any of the reliefs prayed for. That being so, an award has to be passed rejecting the claim of the worker.

15. In the result, an award is passed rejecting the claim of the worker.

Dictated to the Confidential Assistant, transcribed by him, revised, corrected and passed by me on the 24th day of January, 1998.

P. O. BARKATH ALI, Presiding Officer.

## APPENDIX

Witnesses examined on the side of the management:—

MW1.—T. Bhaskaran.

Witnesses examined on the side of the Workman:—

WW1.—P. K. Sivadasan.

Documents marked on the side of the Workman:—

Ex. W1.—Photostat copy of the letter dt. 6-3-90 sent to the management by the worker.

Ext. W2.—Photostat copy of the letter dt. 6-3-90

Documents marked on the side of the Management:—

Ext. M1.—Copy of the Proceedings dt. 21-6-90 of the workman.

Ext. M2.—do— of the letter No. 91 SMGB[NND]1095/89-90/IR dt. 3-3-1990 sent to the worker by the management.

Ext. M3.—do— No. 91SMGB[NND]1062/90-91/IR dt. 21-5-1990 —do—

Ext. M4.—do— agreement dated 18-8-82 between the management and the worker.

Ext. M5.—Photostat copy of the paper publication.

Ext. M6—Copy of the letter No. 18/IR/NND/370/89-90/IR dt. 31-1-90 issued by the management.

Ext. M7—do—No. 18/IR/NND/426/89-90 dt. 17-3-1990 sent by the management.

Ext. M8—do—No. 6/IR/29/90-91 AOSDY dt. 5-5-90—do—

ई दिल्ली, 8 मई, 1998

का. प्रा. 1070—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 अनुसरण में, केन्द्रीय सरकार मदन रेलवे पालघाट के प्रबन्ध तंत्र के संबंध में निम्नलिखित विवाद में कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अविश्वसनीयता, पालघाट, के पंचपर को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-5-98 को प्राप्त हुआ था।

[मं एल-41012/6/95-आईआर (बी-1)]

पी. जे. माइकल, डेस्क अधिकारी, नरी

New Delhi, the 8th May, 1998

S.O. 1070.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Palakkad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway, Palghat and their workman, which was received by the Central Government on 8-5-98.

[No. F-41012/6/95-IR(B-I)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

#### IN THE COURT OF THE INDUSTRIAL TRIBUNAL, PALAKKAD

(Friday, the 3rd April, 1998)

Present :

Shri B. Ranjit Kumar, Industrial Tribunal,  
Industrial Dispute No. 1/97(C)

#### BETWEEN

1. The Divisional Personnel Officer, Southern Railway, Palghat-678 001.
2. The Ministry of Railway, Railway Board, Rail Bhavan, New Delhi-1.

(By Adv. T. R. Rajagopalan)

#### AND

The General Secretary, Dakshin Railway Casual Labour Union, Edapally North, Cochin-24.

(By Sri C. P. Menon)

#### AWARD

The Government of India, Ministry of Labour as per order No. L-41012/6/95-IR (B-1) dt. 27-2-96 and Corrigendum notification dated 23-7-1996 referred to this Tribunal the following issues for adjudication :

"Whether the action of the management of Divisional Personnel Officer, Southern Railway, Palghat in not engaging in the services of the workman Smt. Lakshmi, LTI No. 574 ex-casual labourer under PWI/Palghat with effect from 21-6-1980 is legal and justified? If not, to what relief the concerned workman is entitled to ?"

2. The case of the worker/union as stated in the claim statement dated 11-2-97 and rejoinder dated 20-7-97 is that while the worker was working under PW Inspector, Southern Railway, Palakkad from 5-3-1975 she was denied employment on 21-6-1980. It is contended by the union that he was kept out of employment by the PW Inspector without any notice and the said denial of employment amounts to termination of service in violation of Para 2302(1) Chapter 23 of Railway Establishment Manual. According to union, the above termination of service is in violation of Chapters V-A and V-B of Industrial Disputes Act. The further contention of the union is that so many juniors were retained in service while terminating the services of the worker concerned in this dispute.

3. The management has filed written objection of India, dated 15-7-97 contending that the Union officer of Ministry of Railway and the department, to the the worker concerned are not made parties to the dispute and hence the industrial dispute is not maintainable. It is further submitted by the management that this industrial dispute is badly hit by the laws of limitation as the alleged termination of the service of the worker occurred on 20-6-80 and the conciliation proceedings were initiated in the year 1993. According to Management, no reason was put forth by the worker for the delay of 13 years and hence this industrial dispute is liable to be dismissed in limine for delay and laches.

4. On the merit of the dispute, the management would submit that the worker was initially engaged as a casual labourer on daily rate of wages under the Permanent Way Inspector, Palghat on 5-3-75. According to management, casual labourers are engaged by the Railway to supplement regular railway servants in the exigencies of work or for special works of projects. Services of casual labourers are liable to be terminated either on completion of the specific work for which they had been engaged.

5. It is further submitted by the management that as per Ministry of Railways letter No. E(LWA) 66/AT/IDI-7 dated 13-6-68, a workman could be considered to have completed one year of continuous service within the meaning of Section 25B of the Industrial Disputes Act. According to Management, the worker did not work for 240 days or more in any calendar year/12 calendar months to become eligible for notice or notice pay, and retrenchment com-

pensation under the Industrial Disputes Act and hence there is nothing illegal in the alleged termination of the services of the worker and this industrial dispute is liable to be answered in favour of management.

6. The further contention of the management is that the casual labourers on 'open line' are entitled to temporary status on completion of 120 days 'continuous service' and consequently they are entitled to 14 days notice or notice pay in lieu of notice. According to management, the worker involved in this dispute was only a casual labourer on daily rate of wages at the time of the alleged termination and hence the provisions contained in para 2302(1) of Indian Railway Establishment Manual (old edition) are not applicable to her case as she had not worked 240 days in any calendar year/12 monthly period. It is further submitted by the management that she had never worked for 120 days 'continuously' to become eligible for temporary status and being a casual labourer on daily wages, she was not entitled to notice or notice pay under the provisions of Indian Railway Establishment Manual.

7. On earlier occasions also the Government of India had referred similar issues to Industrial Tribunals for adjudication. It is seen from Ext. W3 award dated 19-1-91 and Ext. W5 award dated 1-10-92 of Industrial Tribunal, Alappuzha in I.D. No. 140/89 and I.D. No. 202/90 respectively that the Union of India, Ministry of Railways was not a party to the above two disputes. It is submitted by the representative of the union that Exts. W3 & 5 awards have become final. A perusal of the above two awards also show that the management had not taken the contention as to the non-joinder of parties in the above two matters. The present industrial dispute has been referred by the Government of India, Ministry of Labour. As far as this industrial dispute is concerned, as per the reference order, the Ministry of Railways, Railway Board, Rail Bhavan, New Delhi-1 is also a party. It may be true that the concerned departmental officer of the worker is not a party to this dispute. I do not think that he is a necessary party for the effective adjudication of this dispute. Therefore, I find that there is no infirmity in the above reference order for non-joinder of parties.

8. The second contention raised by the management is that the claim of the Union is barred by limitation as the alleged denial of employment or the retrenchment was on 21-6-80 and the dispute has been referred for adjudication only in 1997. According to Management, the claim is liable to be rejected for laches and delay on the part of the worker. In support of the above contention, the learned counsel for the management would place reliance on two decisions of the Supreme Court in Secretary to Government of India V/S Shivram Mahadu Gaikwad 1995 SCC (L&S) 1148 and Ratan Chandra Somnatha & Ors. V. Union of India and Ors. AIR 1993 SC 2276.

9. From the documents produced by the worker, it is seen that she had approached the appropriate authorities at the appropriate time for the redressal of her grievance. However, unfortunately she did not get the relief from those forums. The alleged denial

of employment to the worker was in 1980. From Ext. W2 judgement dated 13-7-87 of High Court of Kerala in Writ Appeal No. 613 of 1983, it is seen that the worker had filed O.P. No. 4178 of 1980 before the High Court. This shows that the worker approached the High Court in 1980 itself i.e. immediately after the alleged denial of employment. The High Court dismissed the writ petition stating that it was not possible to record a finding in favour of the petitioners that they were qualified to claim the benefit of Section 25F of the I.D. Act. One of the petitioners in the writ petition filed writ Appeal No. 613 of 1983 challenging the judgement of the single judge in the above O.P. No. 4178 of 1980. From Ext. W2 judgment in Writ Appeal No. 613 of 1983 it is further observed that the worker herein was respondent No. 19 therein. The Division Bench of the High Court has also taken the view in the above writ appeal that the disputed question of fact in regard to the length of service cannot be satisfactorily examined under Article 226 of the Constitution as specific remedy is provided under the Industrial Disputes Act, 1947. With the above observations the writ appeal was allowed and the judgement of the learned single judge was set aside. However, by the same judgement the Division Bench dismissed the original petition without prejudice to the right of the appellant to invoke the remedies available under the I.D. Act. It is further seen that pursuant to Ext. W2 judgment, the union had taken up the matter and got the reference of the dispute in respect of sixteen workers of the total twenty workers who had approached the High Court. The worker herein is one of them whose name was omitted/left out in the above reference. The Industrial Tribunal, Alappuzha which had adjudicated the above dispute as I.D. 140/89 passed Ext. W3 award dated 19-1-91 granting relief to the workers. Thereafter, the worker herein along with three others approached the Central Administrative Tribunal, Ernakulam Bench for similar relief. However, the Central Administrative Tribunal by Ext. W4 judgement dated 11-11-92 rejected the application without prejudice to the right of the applicant to move Industrial Tribunal in accordance with law and if so advised. It appears that immediately after Ext. W4, the worker/union approached the Assistant Labour Commissioner (C), Ernakulam and ultimately the issue was referred to this Tribunal for adjudication. I am of the view that if there was administrative delay in the Labour Department in issuing the reference order, the worker cannot be blamed for the same.

10. In the light of the above discussion, I find that there is no delay on the part of the worker in taking up the matter and hence the Supreme Court decisions relied on by the management have no application on the facts and circumstances of this case.

11. On the merit of the dispute, it is contended by the union that the worker had worked 515 days during the period 5-3-75 to 20-6-80 and hence the termination of her service without notice as provided under paragraph 2505 of Indian Railways Establishment Manual and Section 25-F of the I.D. Act is illegal. On the other hand, the management would contend that paragraph 2505 of the Railways Establishment Manual and Section 25-F of the I.D. Act

are not applicable in this case as the worker had not attained temporary status. According to management, there was no continuous service of more than 240 days during one calendar year. As per the written statement of the management, the worker had worked only for 469 days during the period from 5-3-75 to 20-12-79 whereas Ext. M2 service card produced by the management shows that the worker had worked till 30-6-1980. However it is observed from Ext. W1 and Ext. M2 that she had not completed six months continuous service as she had not worked 120 days during the period of six months at any time during 5-3-75 to 30-6-80. Therefore, the worker is not entitled to claim the temporary status or the benefit of paragraph 2505 of Railway Establishment Manual. She has also not completed one year continuous service within the meaning of Section 25-B of the I.D. Act and hence she is not entitled to the benefit of Section 25-F of the I.D. Act also. It follows that the management was not liable to give notice or notice pay as provided under the provisions of paragraph 2505 of the Railway Establishment Manual and Section 25-F of the I.D. Act.

12. According to management, the worker who was a casual labourer was engaged in project work and on the completion of the project work she has no right for further employment. The union has denied the above averment of the management. The management has not adduced any evidence in support of its above averment. There is also no mention about the project in Ext. W1 and Ext. M2 service cards. The worker (WW1) has deposed before this Tribunal that she was working as a gangwoman. Even assuming that the worker was engaged for the purpose of the project work and that work had been completed there can be no difficulty for the Railway management to accommodate her in some other project works. It appears that the management was not willing to take her in other casual works including project works.

13. As already observed hereinabove since the worker had not worked for 120 days during a period of six months or 240 days during a period of 12 months, she is not entitled to the benefits of paragraph 2505 of the Railway Establishment Manual and Section 25-F of the I.D. Act. However, the non-engagement of the worker with effect from 21-6-80/30-6-80 would definitely amounts to retrenchment within the meaning of Section 2(oo) of the I.D. Act and even if she had not rendered one year continuous service within the meaning of Section 25-B of the I.D. Act, she is entitled to the benefit of Section 25-H of the I.D. Act and Rule 78 of the Industrial Disputes (Central) Rules 1958. (See : Central Bank of India V. S. Satyam 1996 AIR SCW 3138/1996 (2) LLJ 820). Therefore, I direct the management to engage the worker on the same service conditions as she had been engaged during the period preceding 21-6-80/30-6-1980. Since the worker was a casual labourer and there was no guarantee for continuous employment there shall be no direction for backwages. However, I am of the view that the management is liable to pay costs of these proceedings to the worker as they are responsible for the delay in settling this dispute. The Railway, being the largest public sector undertaking in the country should have acted as a model

employer and settled the issue at least when the worker approached the High Court of Kerala, Central Administrative Tribunal or the Conciliation Officer. It appears that instead of doing so, the management had taken an uncompromising attitude and dragged the worker from one forum to another. I, therefore, direct the management to pay Rs. 2,500/- to the worker as costs.

In the result, an award is passed with the above directions and the reference order is answered accordingly.

Dated this the 3rd day of April 1998.

B. RANJIT KUMAR, Industrial Tribunal

#### APPENDIX

Witnesses examined on the side of the Management.

Nil.

Witnesses examined on the side of Worker/Union.

W1—Sri Lakshmi.

Documents marked on the side of Management.

Ext. M1—LTI Register. (Copy)

Ext. M2—Casual Labourer Register. (Copy)

Documents marked on the side of worker/Union.

Ext. W1—Copy of the service card.

Ext. W2—Copy of the Judgement dated 13-7-87 of High Court of Kerala in W.A. No. 613 of 1983.

Ext. W3—Copy of award dated 19-1-91 of Industrial Tribunal Alappuzha in I.D. No. 140/89.

Ext. W4—Copy of order dated 11-11-92 of CAT, Ernakulam in O.A. No. 1339/92.

Ext. W5—Copy of award dated 1-10-92 in I.D. No. 202/90 of Industrial Tribunal, Alappuzha.

नई दिल्ली, 6 मई, 1998

का.श्रा. 1071 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम सी एल के प्रबन्ध तंत्र के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, राउरकेला के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-5-98 को प्राप्त हुआ था।

[संख्या एल- 22012/303/93-आई.आर.(सी II)]

लोली माऊ, डैस्क अधिकारी

New Delhi, the 6th May, 1998

S.O. 1071.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Rourkela as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M.C.L. and their workman, which was received by the Central Government on 6-5-98.

LOWLI MAO, Desk Officer  
(No. L-22012/303/93-IR(C-II))

M.C.L. and their workman, which was received by the Central Government on 6-5-98.

[No. L-22012/303/93-IR (C-II)]  
LOWLI MAO, Desk Officer

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL, ROURKELA

Industrial Dispute Case No. 30/97 (C)

Dated the 17th March, 1998

PRESENT :

Shri R. N. Biswal, I.L. M.,  
O.S.J.S. (Sr. Branch),  
Presiding Officer,  
Industrial Tribunal,  
Rourkela.

BETWEEN :

The Chief General Manager,  
Mahanadi Coalfields Ltd.,  
IB Valley Area,  
PO : Brajrajnagar,  
Dist. : Sambalpur

... 1st party.

AND

The Jr. General Secretary,  
National Colliery Workers,  
Federation, Qr. No. M-4, Bhudijam,  
PO : Orient Colliery,  
Brajrajnagar,

Dist : Sambalpur,

... 2nd party.

For the 1st party—None.

For the 2nd party—None.

AWARD

The Govt. of India in Ministry of Labour Department in exercise of their power conferred under clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 have referred the following dispute vide reference No. L-22012/303/93-IR (B.II) dated 24-2-94 for adjudication :

"Whether the action of the management of IB Valley Area, Mahanadi Coalfields Ltd., Brajrajnagar, Dist., Sambalpur, not giving employment to the dependants of Late Nand Kishore, Mine No. 2 who died on 8-8-85 as per the provisions of NCWA-III was justified ? If not, to what relief the dependants is entitled to ?"

2. The case was fixed on 16-5-98 for hearing. Since neither of the parties appeared before this Tribunal on that date, it can be presumed that, at present there is no dispute between them or they have amicably settled the dispute outside the Court in the mean time. Accordingly No Dispute Award is passed.

R. N. BISWAL, Presiding Officer

नई दिल्ली, 6 मई, 1998

का.प्र. 1072.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबन्ध-संज्ञ के संबंध नियोजकों और उनके कर्मचारों के बीच, प्रमुख में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई नं. 2

के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-5-98 को प्राप्त हुआ था।

[संख्या एल-22012/335/93-आई.आर. (सी-II)]  
लोली माऊ, डेस्क-प्रधिकारी

New Delhi, the 6th May, 1998

S.O. 1072.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai, No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.E.C.L. and their workman, which was received by the Central Government on 6-5-1998.

[No. L-22012/335/93-IR(C-II)]  
LOWLI MAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. II,

MUMBAI

PRESENT

SHRI S. B. PANSI  
Presiding Officer

REFERENCE NO. CGIT-2/20 OF 1994.  
Employers in relation to the management of  
S.E.C.L.

AND

THEIR WORKMEN

APPEARANCES :

For the Employers : Shri P. G. Godbole  
Representative.

For the Workmen : Shri D. N. Tripathi  
Representative.

Mumbai, the 20th March, 1998.

AWARD

On 7-3-1997 by Part-I Award I came to the conclusion that the domestic inquiry which was held against Pandey the worker was against the Principles of Natural Justice and the findings of the inquiry officer are perverse. The management was allowed to lead evidence to substantiate its action.

2. The facts giving rise to the present dispute can be summarised as follows :

Munna Pandey the worker was appointed as a General Mazdoor in Narora Bagh Mines No. 8 of South Eastern Coal Fields Limited on 25th October, 1982. Before nationalisation of the Coal Mines he was transferred to Birsinghpur Pali mines owned by one Juhila Coal Company Private Limited.

3. On 26-10-1991 Munna Pandey was served with a chargesheet for major misconduct. It was alleged that he reached the house of one B. K. Sharma, Engineer at about 1.30 p.m. on 25-10-91 to assault him. He had injuries on his ear, neck and back. He was threatened also. When one Sudhir Pandey, Senior Overseer (Civil) came to the gate for official work near the house of Sharma he was also badly beaten by Pandey. The worker also threatened him to kill. The chargesheet was under clause-26.18 of the Certified Standing Orders applicable to the employees of South Eastern Coal Fields Limited.

4. When an opportunity was given to the management to substantiate its action they examined B. K. Sharma (Exhibit-35), Sudhir Pandey (Exhibit-36) Rajbahore Sharma (Exhibit-37). They relied on the documents which were filed alongwith (Exhibit-34). As against that the worker examined himself at Exhibit-46 and relied on some of the documents which were filed by the management itself.

5. Now the issues that fall for my consideration and my findings there on are as follows :—

Issues	Findings
3. Whether the action of the management of Birsinghpur Pali sub-area in dismissing Munna Pandey, General Mazdoor w.e.f. 27-1-93 is legal and justified?	Legal and justified.
4. If not, what relief the workmen is entitled to?	Does not survive.

### REASONS

6. At the outset it must be mentioned that while making oral submission and in the written arguments the Learned Representative of the workman tried to bring on the record that there are discrepancies in the statement which was given by these witnesses before the Police

and in the inquiry proceedings. It is also tried to argue that there is a discrepancy in the FIR and the evidence lead before the Tribunal. Even for the sake of argument if it is said that there are some discrepancies but that does not effect the merit of the case at all. It is well settled that the evidence which is required in a criminal trial and the evidence which is required in a domestic inquiry is quite different. In a domestic inquiry it is to be seen that chargesheet is proved on the preponderance of probabilities. There is no need for the management to prove the case beyond reasonable doubt, as required in a criminal trial.

7. Rajbahore Sharma (Exhibit-37) is in-charge of the colony where Pandey the worker resides. On 25-10-91 he was working on the pipeline in that residential area. The worker came there and asked him why the tank near his house is not cleaned by him for which he replied that he could not do so for non availability of the labourers. He also told the workman to contact Mr. Sharma for providing necessary labourers. Rajbahore affirmed that thereafter the workman pulled him down. One Premlal who was present there asked him why he is assaulting Rajbahore. Then Pandey stated beating him also. Then both of them rushed to Sudhir Pandey (Exhibit-36).

8. Rajbahore in cross examination affirmed that he and the persons assaulted viz. Sudhir Pandey and B. K. Sharma and Premlal had been to the police station and then they were treated by the doctor. In his cross examination it is tried to bring on the record that in the report to the police he had mentioned of assaulting the witnesses and not beating by other means. The fact remains that the incident of beating and threatening took place in respect of Rajbahore. There is nothing on the record to show that he had an axe to grind against the worker. There is no suggestion to him why he is deposing against the worker.

9. The version of Rajbahore is corroborated by B.K. Sharma (Ex-35) to the extent that he alongwith other came running to his place and informed that Munna Pandey is assaulted them and he is chasing them. At the same time Munna Pandey came there.

10. B. K. Sharma (Exhibit-35) and Sudhir Pandey (Exhibit-36) corroborates each other and states that both of them were beaten by Munna Pandey by a stick. They had injuries. They



shouted for help and then Munna ran away from the place. There is also no reason for these witnesses to speak false against Munna. There is no enmity also. The statements of Sharma Sudhir and Rajbhore before police which are admitted by the worker are at Exhibit-42, 44, & 43 respectively. After perusal of these statements barring few variations what comes on the record is that Munna threatened all these witnesses, he beat them and they were injured. -B. K. Sharma had given an FIR (Exhibit-41) which is also signed by Sudhir Pandey. This speaks of immediately action by Sharma. If really the incident would not have taken place there was no reason for him to go to the police station alongwith others and give the report. It is not disputed that they were not medically checked. The case which was tried to be brought on the record is that all these persons beat Munna. I do not find any merit in it.

11. Munna (Exhibit-46) affirmed that the pit near his house was not having a cover and was dangerous. He had an apprehension that his three year son may fall in it. It is therefore he gave a complaint to the concerned authorities on 24-10-91. Being aggrieved by this, this is a story which is cooked by the concerned authorities. I am not inclined to accept this that for a tribal thing of giving a complaint, the management will take such a step. From the testimony of Munna it had not revealed that what is stated before the Tribunal by these three witnesses is nothing but a falsehood. On the other hand on the preponderance of probabilities I find that all these witnesses must be speaking the truth that they were beaten by Munna and were threatened. They have deposed in the inquiry proceedings also. After perusal of the chargesheet I find that the allegations are proved on the basis of the testimony of these three witnesses which is corroborated by FIR (Ex-41).

12. Mr. Godbole, the Learned Representative for the management vehemently argued that there are thousands of employees in their company. There are very few cases pending in the Tribunal. That speaks of the attitude of the management to go into the conciliation and not taking the matters to the Tribunals for adjudication. He submitted that this is a case wherein the worker is a habitual offender. Previously also he had done the mischief. He beat one doctor. In another chargesheet the matter came to be settled. The record supports this argument.

13. For all these reasons I find that the charges which are levelled against the workman are proved.

Now it is to be seen whether the punishment which was awarded to the workmen is proper or disproportionate to the charges proved. The fact that Munna had beaten and threatened his superiors is sufficient for awarding the maximum punishment to him. There is no reason for the Tribunal to alter the punishment which was awarded to the worker. There are no circumstances which can be said to be sufficient to award the lesser punishment then which was awarded to the worker. In the result I record my findings on the issues accordingly and pass the following order :

### ORDER

The action of the Agent/Sub Area Manager, Birsinghpur Pali Sub Area of Johilla Area of SECL in dismissing Shri Munna Pandey S/o Durga Pandey, General Mazdoor w.e.f. 27-1-1993 is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 6 मई, 1998

का.आ. 107.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.ई. के. प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-5-98 को प्राप्त हुआ था।

[सख्या एल-22012/116/एफ/93-आई आर (सी-II)]

लोली माऊ, डैस्क अधिकारी

New Delhi, the 6th May, 1998

S.O. 1073.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 6-5-98.

[No. L-22012/116/F/93-IR (C-II)]

LOWLI MAO, Desk Officer

### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU  
CHENNAI

Wednesday, the 24th day of December, 1997

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal

Industrial Dispute No. 54 of 1993

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of Food Corporation of India, Madras-6).

### BETWEEN

The workmen represented by :

The Regional Secretary,

F.C.I. Employees Union,

5/54, Greams Road, Madras-6.



## AND

The Regional Manager,  
Food Corporation of India,  
5/54, Creams Road, Madras-6.

## REFERENCE :

Order No. I-22012/116/F/93-IR(C-II), Ministry of Labour, dated 7-6-1993, Government of India, New Delhi.

This dispute coming on for final hearing on Tuesday, the 2nd day of December, 1997, upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Tvl. Row & Reddy, Balan Peridoss and K. Indira, advocates appearing for the workmen and of Thiru M. Imthias, advocate appearing for the management, and this dispute having stood over till this day for consideration, this Tribunal made the following.

## AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of F.C.I. in discontinuing the payment of HRA/CCA on personal pay sanctioned to its employees for adopting small family norms and obtaining higher education with effect from 1-1-87 is justified? If not, to what relief they are entitled to?"

2. On service of notices both the petitioner and the respondent appeared before this Tribunal and filed their Claim and Counter Statement respectively.

3. The main averments found in the claim statement filed by the petitioner union are as follows.—The respondent management has been giving incentives for higher qualifications, for small family norms. If any employee gets through a professional degree within 2 years, he gets two increments. If the same employee gets two professional degrees, then he will get a maximum of four increments. If the course is for one year he will get one increment. Such increments are treated as personal pay and has been taken into account for the purpose of CCA and HRA from 1-8-83. The norms for small family is he should have stopped with three children and adopted birth control by getting operated and they will get one increment as personal pay. By a circular dated 21-12-92, the respondent management withdrew this benefit and ordered recovery of this amount from 1-8-87. The petitioner objected to this and thus has raised this Industrial dispute. The management cannot unilaterally withdraw the benefit without giving a notice u/s. 9A, because this item falls under items (3) and (8) to the IVth schedule of I.D. Act. Hence the recovery is illegal. After the circular dated 21-12-92, an Industrial Dispute was raised in northern and western zones and management stopped recovering in these zones. But the management has resorted to recover only with employees with regard to Southern zone. This action is highly arbitrary and violative of Articles 14 of the Constitution of India. The personal pay is treated as part of the basic pay and HRA and CCA are paid on it. There is no justification for withdrawing the same. Food Corporation of India is a separate statutory body and it need not follow the Central Govt. Rules. Petitioner prays to pass an award upholding the claim of the workmen and award costs.

4. The main averments found in the counter statement filed by the respondent are as follows.—The concession of qualification and small family norms was an incentive and was paid as personal pay and was also taken into account for grant of HRA, CCA, DA etc. and was in force till the same was discontinued vide circular dated 21-12-92. Based on the clarification of the Ministry only the circular dated 21-12-92 was issued. It is not correct to state that one would get four increments if certain conditions are fulfilled. The scheme is to be reckoned according to no. of occasions and not on no. in increments. Therefore, the question of four or two increments does not arise. The benefits under the said scheme is only for two occasions during entire

service under the corporation. The increment will be sanctioned only to a person who is having three children and who has adopted birth control. The factum of the circular dated 21-12-92 was well within the knowledge of the petitioner. Since the said scheme is only a concession, it is only a gratis and bounty and petitioner cannot claim the same as a matter of right. There is absolutely no change of condition of service as alleged in the petition and therefore no notice as contemplated under Section 9(A) read with fourth schedule of the I.D. Act is necessary. The allegation that the recovery is illegal, is absolutely misconceived and reckless. The circular dated 21-12-92 has been communicated to the Food Corp. of India Employees Union, New Delhi for necessary information. The respondent has withdrawn through a circular dated 21-12-92 only after considered decision. It is not correct to state that management stopped recovering in the zones mentioned in the claim petition. Though, the Food Corp. of India is a statutory body, created under the Act of Parliament, still the policy decision and the Government of India instructions are absolutely having a binding force on the respondent corporation. What has been withdrawn is only a concession and nothing more and therefore, the petitioner's legal right or constitutional right has not been infringed on account of withdrawal of circular. Respondent prays to dismiss the claim petition.

5. The petitioner-union have filed reply statement wherein they have contended as follows.—The FCI is a statutory body and it need follow the Central Govt. rules. Since 1-8-83 FCI departed from the Central Government pay scales and revision of wages, allowances etc. are finalised on Industrial Dearness allowance pattern by negotiated settlements between the Unions and the Management. The last of such Memorandum of Settlements was dated 6-11-92 and that deals with the revision of Pay scales, allowances and perquisites of category III & IV Employees for a period of 4 years from 1-8-87 to 31-1-92 and the same is to continue even beyond 31-1-92 till a new wage agreement is arrived at. As per Clause 2.1 of the Settlement dt. 6-11-92 "Pay, allowances and fringe benefits will continue to be paid at the same rates and conditions even beyond 31-1-92, till new wage agreement is arrived at." Clause 2.1 is the saving provision which reads as follows :

"Any fringe benefits, allowance of concession at present being available to the employees but not covered by this MOU, would continue. Wherever they are linked to pay ranges, corresponding revised pay ranges would be worked out."

There is a specific provision in the said Memorandum of Understanding dated 6-11-92 regarding the concession enjoyed by the petitioner and thus the respondents are stopped from relying on the Circular of the Government of India for withdrawal of the same. Only matters where there is no specific provision, the Govt. of India guidelines will apply. In this case, the personal pay being a concession/fringe benefits, is dealt with in the memorandum of understanding. Any attempt to withdraw the benefit could be ended by way of an agreement between the NCC of FCI Union and the Management and not otherwise. The respondent in as much as withdrawing the benefit unilaterally, has clearly violated the provisions of Sec. 9A r/w Fourth Schedule of I.D. Act, 1947.

6. One witness has been examined on behalf of the petitioner-union and Exs. W-1 to W-5 were marked. One witness was examined on behalf of the respondent and Exs. M-1 to M-4 were marked.

7. The Point for our consideration is.—Whether withdrawal of the Special pay given to the employees of the respondent management for the purpose of acquiring higher qualification and incentive scheme to promote small family norms could be withdrawn and recovery be made for the payments already made to the employees.

8. The Point.—There is no dispute to the fact that such of those employees who acquired professional qualifications and those who were below 50 years (within the reproductive age group), and having only 2 or 3 children and undergoing

sterilisation will be paid special increments in the form of personal pay. Ex. M-1 is the circular dt. 10-6-81 wherein for the purpose of promoting small family norms, an incentive scheme was introduced in the respondent management for the benefit of its employees below the age of 50 years and have either 3 or less than 3 children who undergo sterilisation, a special increment in the form of personal pay was granted. Under Ex. M-2, dated 15-10-86, another scheme for incentives for the employees of the respondent management who acquired professional qualifications while in service was also introduced. By a circular dt. 22-9-87, it was clarified that the grant of incentive increment under the scheme for acquiring additional qualifications for an employee shall be restricted to only two occasions during the entire service in the corporation irrespective of the fact whether the qualification acquired is of 2 years duration or of one year duration. By another circular dated 16-12-91, the incentive scheme for promoting small family norms was further clarified that the Central Government employees who or whose spouse underwent sterilisation after one surviving child on or after 4-12-79 but before 6-12-85 may also be granted special increment. There is no dispute that the respondent management was giving these increments as special increments as a special pay for these employees who underwent sterilisation and fulfilled the other conditions and also the employees who acquired professional qualifications. The special pay which was so given was also calculated along with Basic pay and was included for the purpose of HRA and CCA. By circular dated 21-12-1992, Ex. W-1 the respondent management has decided that the personal pay is only in the form of incentive and it shall not be calculated for the grant of CCA, HRA, DA etc. and therefore directed the recovery of these amounts from 1-8-1987. The petitioner union has sent an objection to respondent management being an industry within the meaning of S. 2 of the I. D. Act, 1947 service conditions fringe benefits etc. as defined in Fourth Schedule of the I.D. Act, is read with Sec. 9A of the I.D. Act, 1947 and the respondent cannot withdraw the same unilaterally. Once again by letter dated 15-2-1993 the petitioner union has objected to the recoveries of the amounts from the pay of the employees on the ground that recovery has been effected unilaterally, without prior notice.

9. The point for consideration now is that whether the respondent management can recover the amount paid to the employees in the form of personal pay based on which HRA, CCA were calculated and paid without notice? Sec. 9A of the I. D. Act, 1947 reads as follows :

**Notice of change :** No employer, who proposes to effect any change in the condition of service applicable to any workmen in respect of any matter specified in the Fourth Schedule shall effect such change :—

(a) without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or

(b) within twenty-one days of giving such notice :  
Provided that no notice shall be required for effecting any such change—

(a) Where the change is effected in pursuance of any "settlement or award" or

(b) Where the workman likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Service (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other Rules or Regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply."

The contention of the petitioner is that no notice was given for the recovery of the fringe benefits which they were already enjoying and therefore item 3 compensation and other allowances and item (8) withdrawal of any customary concession any privilege or change in service condition in the Fourth Schedule or the I.D. Act, applies to the personal pay granted to the employees in the form of incentives and therefore since cancellation of such benefit and recovery is ordered without prior notice as per Sec. 9A of the I.D. Act, 1947 is illegal. The contention of the respondent management is that the incentives paid to the employees under the two categories mentioned above is only a concession and it is only a gratis and bounty and therefore to withdraw the concession no prior notice is necessary. A concession is different from incentive. An incentive is given only to such of these employees who acquire professional qualifications while in service or who come within the purview of small family norms. Such incentive is given to those employees who fulfil the conditions mentioned therein, as a matter of privilege for the purpose of encouraging the said norms. On the other hand, a concession is given generally to all the employees of a management for which there are no specific conditions of acquiring a special qualification or undergoing a sterilisation operation. For e.g. Leave Travel Concession is given to all employees for which no specific academic qualification or other condition has to be fulfilled. Thus, a concession is different from incentive. Therefore, the contention of the respondent management that the increments in the form of special pay was only a concession is not correct.

10. In Fourth Schedule of the I.D. Act. Item 8 deals, even with regard to any customary concession and the management should give notice u/s. 9A of the I.D. Act before withdrawing such concession. In **HINDUSTAN LEVER LTD. Vs. RAM MOHAN RAY & ORS.** (1973 1 LLJ P 427), the Hon'ble Apex Court has held as follows :

"Even apart from that it was urged by Mr. Gupte relying upon the decision in **National Coal Co. Vs. L. P. Dave** AIR 1956 Pat. 294, that non-payment of wages was neither an alteration in the conditions of service nor is punishment and as such cannot come within the mischief of S.33 of the Act. The Patna High Court relied also for its decision on the decision in **Sharma Biscuit Co. Vs. Their Workmen** 1952 II LLJ 353). The facts of that case are not quite clear. The Court gives no reason for its view that the non-payment of wages is not an alteration of conditions of service applicable to workmen and that it was only a case of default of payment of wages on the pay day falling under Payment of Wages Act. The facts there were in any case different from the facts to the present case. We may refer to the decision of the Allahabad High Court in **Ram Nath Koeri Vs. Lakshmi Devi Sugar Mills & Ors.** (1956 II LLJ 11), where it was observed that the payment of wages is one of the essential ingredients of the contract of employment and that the word "conditions" includes the idea conveyed by the word "terms" but goes beyond it and is

not confine to what is included in that word. The Court also held that "terms and conditions of employment" is wider in scope than the expression "terms and conditions of labour". But as we have already observed failure or refusal to pay wages for a certain period may necessitate proceeding under S.33, but refusal to pay wages indefinitely on the refusal of the workers to work according to a scheme of recognition which was not a valid one, because of the failure to give notice under S.9A cannot but be considered to be an alteration in the conditions of service of the workers.

We, thus, come to the conclusions (1) that non-payment of wages in the circumstances of this case amounts to an alteration in the conditions of service, (2) the fact the scheme was introduced before the reference under S.10 was made does not bar an application under S.33A, and (3) that the Tribunal was justified in coming to the conclusion that this alteration in the conditions of service could not have been made without notice u/s.9A."

In 1975 II LLJ P 319 MGT. OF INDIAN OIL CORPORATION LTD. Vs. ITS WORKMEN :

"As regard the first contentious that the concession of the compensatory allowance was granted to the workers by way of a temporary measure and would not amount to a condition of service, we find absolutely no material on the record to support the same. There is no evidence to show that the management before granting the concession of the compensatory allowance had in any way indicated to the workers that this was only a stop-gap-arrangement which could be withdrawn after the housing subsidy was granted. Even before the unilateral withdrawal of the concession granted by the appellant no notice was given to the workers nor they were taken into confidence, nor any attempt was made to open a dialogue with them on this question. Indeed if the circulars of the Central Govt. are admittedly binding on the Corporation, then we are unable to appreciate the stand taken by the appellant that the management unilaterally withdrew the concession merely because of the Central Government circulars. So far as the compensatory allowance is concerned it was given in order to enable the workers to meet the high cost of living in a far fetched and backward area like Assam. It had absolutely no casual connection with the housing subsidy or house rent allowance which was a different type of concession. Furthermore, the grant of compensatory allowance by the appellant was indeed a very charitable act which showed that the employers were extremely sympathetic towards the needs of their workers. In these circumstances, we have no hesitation in holding that the grant of compensatory allowance was undoubtedly an implied condition of service as to attract

the mandatory provisions of S. 9-A of the Act which runs thus :

"No employer, who proposes to effect any change in the conditions of service applicable to any workmen in respect of any matter specified in the fourth schedule, shall effect such change—

(a) without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or

(b) Within twenty-one days of giving such notice. Provided.....

An analysis of S. 9-A of the fact clearly shows that this provision comes into operation the moment the employer proposes to change any conditions or service applicable to any workman, and once this is done twenty-one days notice has to be given to the workmen. This admittedly was not done in this case. By withdrawing the Assam Compensatory Allowance the employers undoubtedly effected substantial change in the conditions of service, because the workmen were deprived of the compensatory allowances for all times to come."

Mr. Sen Gupta appearing for the respondents drew our attention to the decision of this Court in M/s Tata Iron and Steel Co. Ltd. Vs. The workmen and others (1972 II LLJ 259), where this Court, while pointing out the object of S. 9A observed as follows :

"The real object and purpose of enacting S. 9-A seems to be to afford an opportunity to the workmen to consider the effect of the proposed change, and, if necessary, to present their point of view on the proposal. Such consultation further serves to stimulate the feeling of common joint interest in the management and the workmen in the industrial progress and increased productivity. This approach on the part of the Industrial employer would reflect his harmonious and sympathetic cooperation in improving the status and dignity of the industrial employee in accordance with the egalitarian and progressive trend of our industrial jurisprudence which strives to treat the capital and labour as co-shares and to break away from the tradition of Labour's subservience to capital."

The observations made by this Court lay down the real test as to the circumstances in which S. 9A would apply. In the instant case, however, we are satisfied (1) that the grant of the compensatory allowance was an implied condition of services and (2) and that by withdrawing this allowance the employer

sought to effect a change which adversely and materially affected the service conditions of the workmen. In these circumstances, therefore, S.9A of the Act, which was clearly applicable and the non-compliance with the provisions of this section would undoubtedly raise a serious dispute between the parties so as to give jurisdiction to the Tribunal to give the award. If the appellant wanted to withdraw the Assam Compensatory Allowance it should have given notice to the workmen, negotiate the matter with them and arrived at some settlement instead of withdrawing the compensatory allowance, overnight."

It was next contended that even if S.9A of the Act applied, the Tribunal should have gone into the question on merits instead of giving the award on the basis of non-compliance with the provisions of S.9A. This argument also appears to us to be equally untenable. On the fact and circumstances of this case, the only point that fell for determination was whether there was any change in the conditions of service of the workmen and, if so, whether the provisions of Sec. 9A of the Act were duly complied with. We cannot conceive of any other point that could have fallen for determination on merits, after the Tribunal held that S.9A of the Act applied and had not been complied with by the Appellant."

The Hon'ble Supreme Court in the said decision has gone to the extent of holding that no other point except whether the provision of S.9A of the I.D. Act, duly complied with has to be determined on merits.

In 1985 II LLJ F5, workmen of Food Corpn. of India Vs. Food Corpn. of India, wherein the present respondent was also a respondent, the Hon'ble Supreme Court has held as follows :

"It is at this stage necessary to examine the implication of S.9A of the I.D. Act, 1947. As hereinbefore pointed out S.9A makes it obligatory upon an employer who proposes to effect any change in the conditions of service applicable to any workmen in respect of any matter specified in the Fourth Schedule to give a notice or intended change. It cannot do so without giving to the workmen likely to be affected by the change, a notice in the prescribed manner of nature of change proposed to be effected and within 21 days of giving such notice. There is a proviso to S.9A which has no relevance here. However, incidentally it may be pointed out that if the workman likely to be affected by the change are persons to whom the fundamental and supplementary rules, Civil Services, (Classification, Control and Appeal) Rules, Civil Services (Temporary Services) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other Rules regulations that may be notified

in this behalf by the appropriate Government in the official Gazette, apply no notice of change would be necessary before effecting a change. No attempt was made on behalf of the respondent corporation to urge that any of the aforesaid rules would govern the conditions of service of the workmen involved in the dispute. Now after introducing the direct payment system agreed to between the parties, if the Corporation or the employer wanted to introduce a change in respect of any of the matters set out in the Fourth Schedule, it was obligatory to give a notice of change. Item I in the Fourth Schedule provides "wages, including the period and mode of payment." By cancelling the direct payment system and introducing the contractor, both the wages and the mode of payment are being altered to the disadvantage of the workmen. Therefore, obviously a notice of change was a 'must' before introducing the change, otherwise it would be an illegal change. Any such illegal change invites a penalty under S.31(2) of the I.D. Act, 1947. Such a change which is punishable as a criminal offence would obviously be an illegal change. It must be held that without anything more such an illegal change would be wholly ineffective."

In the light of the above mentioned judgment of the Hon'ble Supreme Court, the respondent is bound to give notice of change of the conditions of service with regard to item (3) and (8) of the Fourth Schedule of the I.D. Act. Though in the counter statement, the respondent management has contended that the impugned circular dated 21-12-1992 coming into force was well within the knowledge of the petitioner, the respondent has not produced any proof to show that prior notice was given to the petitioner-union. On the other hand the petitioner union by its letter dated 3-1-1993 and 15-2-1993, marked as Ex. W-2 and W-3, has specifically drawn the attention of the management with regard to S.9A of the I.D. Act, 1947 as well as the order of recovery effected unilaterally by the respondent-management. Therefore, it is clear that before ordering recovery under Ex. W-1, impugned circular No. 37/92 dated 21-12-1992 no prior notice was given to the petitioner union, and therefore this order is violative of S.9A of the I.D. Act and hence I hold that it is illegal. Even after the said impugned circular, there was a settlement dated 6-11-1992 which has been marked as Ex. W-5, wherein it is mentioned that the said memorandum of understanding shall cover the period of four years and 6 months from 1-8-1987 to 31-1-1992 and however the pay and allowance and fringe benefits will continue to be paid at the same rate and conditions even beyond 31-1-1992 till now wage agreement is arrived at. Under Clause (2.1) Saving provision, it is mentioned as follows "Any fringe benefits, allowances or conditions at present being available to the employees but not covered by this Memorandum of Understanding would continue. Wherever they are linked to pay ranges, corresponding revised pay ranges would be worked out." Therefore, even during the settlement

dated 6-11-1992, it has been specifically agreed that the fringe benefits or conditions which were enjoyed by the employees would continue until the new wage agreement is arrived at. But within 45 days of this, Ex. W-5 Memorandum of Understanding, Ex. W-1, impugned circular has been issued by the respondent-management, without prior notice as contemplated u/s. 9A of the I.D. Act. Therefore, I hold that there is no justification in the action of the Management of Food Corpn. of India in discontinuing payment of HRA, CCA on personal pay sanctioned to its employees for adopting small family norms and obtaining higher education w.e.f. 1-1-1987. The amounts which have been recovered from the employees should be repaid to them and any alteration of service would be done only by mutual understanding or by way of settlements.

In the result, award is passed holding that the action of the management of Food Corpn. of India, in discontinuing payment of HRA, CCA on personal pay sanctioned to its employees for adopting small family norms and obtaining higher education w.e.f. 1-1-1987, is not justified, and the management is directed to repay the amounts which have been recovered from the employees and any alteration of service would be done only by mutual understanding or by way of settlements. No costs.

Dated, this the 24th day of December, 1997.

S. ASHOK KUMAR, Industrial Tribunal

I.D. No. 54/93

#### WITNESSES EXAMINED

For Petitioner/Workmen :

WW-1 : Thiru V.M. Damodharan

For Respondent/Management

MW-1 : Thiru S. Madhavan

#### Documents Marked

For Petitioner/Workmen :

Ex. W-1/21-12-92—Impugned Circular No. 37/92—Recovery ordered.

Ex. W-2/03-01-93—Petitioner's Representation to the Managing Director, FCI.

Ex. W-3/15-02-93—Dispute raised by the Petitioner-Union before the Regional Labour Commissioner (Central) Madras-6.

Ex. W-4/ —Conciliation Failure Report.

Ex. W-5/06-11-92—Memorandum of Settlement.

Ex. W-6/29-03-89—Form of Undertaking/Letter of option.

For Respondent/Management

Ex. M-1/10-6-1981—Head Office Circular No. 51/81.

Ex. M-2/15-10-86—Head Office Circular No. 64/86.

Ex. M-3/24-09-87—Head Office Circular No. 61/87.

Ex. M-4/16-04-91—Head Office Letter No. 32/3/90-E.-II-ZE Reg. Incentive Scheme to promote small family norms.

Ex. M-5/ —Memorandum of Undertaking dated 1-8-83 with letter dated 7-4-1989 from the Management (copy).

नई दिल्ली, 12 मई, 1998

का.आ. 1074.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक आधिकारण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-5-98 को प्राप्त हुआ था।

[सं. एल. 19012/36/86 डी. IV (बी)]

लीली माऊ, डेस्क अधिकारी

New Delhi, the 12th May, 1998

S.O. 1074.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E.C.L. and their workmen, which was received by the Central Government on 6-5-1998.

[No. L-19012/36/86-D. IV (B)]

LOWLI MAO, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 71 of 1986

Parties :

Employers in relation to the management of Bhanora Colliery of M/s. Eastern Coal-fields Limited

AND

Their Workmen.

Present :

Mr. Justice A. K. Chakravarty, Presiding Officer.

Appearance :

On behalf of Management : Mr. Arunava Ghosh, Advocate with Mr. P. Talukdar, Advocate and Mr. D. Mukhopadhyay, Advocate.

On behalf of Workmen : Mr. A. K. Lal Gupta, Advocate.

STATE : West Bengal

INDUSTRY : Coal

## AWARD

By Order No. L-19012/36/86-D.IV(B) dated 4th November, 1986 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of Bhanora Colliery of M/s. Eastern Coalfields Limited in recording the age of S/Shri Jalil Mian and Akbar Ali, Security Guards as assessed by the Colliery Doctor on 26-10-81 without ascertaining age recorded in the Form B Register of the erstwhile Management and also not referring their cases for assessment of their age by the Area Age Determination Committee is justified? If not, to what relief the workmen are entitled?”

2. The instant reference has arisen at the instance of Koyala Mazdoor Congress, Asansol challenging the age recorded by the management of Bhanora Colliery of M/s. Eastern Coalfields Ltd. of two of its Security Guards, namely Shri Jalil Mian and Akbar Ali, as illegal and unjustified.

3. The union's case in this matter is that they were workers of East Baraboni Colliery of M/s. East Baraboni Coal Company Ltd. prior to nationalisation of non-cocking coal mines. After nationalisation East Baraboni Colliery became a part of Bhanora Colliery and all the workmen were taken in the roll of Bhanora Colliery. The management of Bhanora Colliery having refused to take these workmen on the roll of their colliery, an industrial dispute was raised challenging the employer's action and by an Award the concerned workmen, namely, Jalil Mian and Akbar Ali were taken on the roll of Bhanora Colliery with effect from 1-4-1981. The management instead of verifying the old records for ascertaining the age of the concerned workmen, send them to a doctor who check them up in the month of October, 1981 and declared the age of Jalil Mian and Akbar Ali as 55 and 50 years respectively. The union's grievance is that this doctor was not empowered to determine the age of the concerned workmen and the determination of the age of the concerned workmen without consideration of the old records maintained by the private coal company and without sending the matter to the Area Age Determination Committee was wrong and illegal. The union has accordingly prayed for recording of the age of the concerned workmen as per records of the erstwhile East Baraboni Colliery or alternatively assessment of their age by duly constituted Age Assessment Committee or else declaration of the year of birth as 1939 in case of Jalil Mian and that of Akbar Ali less than him and that Jalil Mian should be allowed to continue in his work beyond 26-10-1986 and payment of wages for the period of his forced idleness due to premature superannuation and that he should not be made to retire from service as per the age declared by the Colliery Doctor.

4. In the written statement-cum-rejoinder of M/s. Eastern Coalfields Ltd. It is alleged that the management assessed their age on 26-10-1981 immediately

after their joining in the colliery as the erstwhile management of the taken-over closed mine did not handover any records including Form-B Register, if any, maintained by them. The concerned workmen raised an industrial dispute as early in 1978 for their employment in Eastern Coalfields Ltd. and this Tribunal directed the concerned workmen to be reinstated in service with effect from 28-11-1975. The management filed a writ petition before the High Court in the year 1980 and then the matter was amicably compromised by signing a settlement on 21-5-81 and consequent upon the said terms of settlement, both the concerned workmen joined Bhanora Colliery of Eastern Coalfields Ltd. on 1-6-1981. Since the concerned workmen had no proof to declare their date of birth or the actual age on the date of joining the colliery, the management in accordance with the established policy got their age assessed by the Age Determination Committee on 26-10-1981 and the age as determined and assessed by the said Committee was recorded in the Form-II of the Bhanora Colliery of M/s. Eastern Coalfields Ltd. The management has denied that the age was determined by merely a Doctor. The said committee assessed the age of Jalil Mian as 55 years on 26-10-1981 and that of Akbar Ali as 50 years on 26-10-1981. The management has alleged that in referring the matter to the age Determination Committee the management scrupulously followed the guidelines to determine the age of the workmen who had no records available as definite proof of their age. It is also alleged that the union has nowhere stated that they have in their possession any documentary evidence to prove the real age of the concerned workmen. Any document, if produced, to show the same, must be false and fabricated. It is also alleged that they had rightly been superannuated from their service after proper determination of their age. The management has accordingly prayed for dismissal of the claim of the union.

5. Heard Mr. Arunava Ghosh, learned Advocate appearing for the management and Mr. A. K. Lal Gupta, learned Advocate appearing for the union.

6. The union has examined only one of the concerned workmen namely, Jalil Mian as its witness to prove its case. Certain documents were also produced by the union. The management neither examined any witness, nor produced any document in support of its case.

7. It appears from the reference itself that the colliery doctor's determination of age of the concerned workmen was challenged on two grounds, namely, he did not consider the Form-B Register maintained by the erstwhile Coal Company and that he did not send the matter to the Area Age Determination Committee for consideration of the age of the concerned workmen. Admittedly, no Form B Register recording the age of the concerned workmen, from the East Baraboni Colliery was produced by either of the parties. According to the management no such paper was made over by the management of the erstwhile Coal Company to the Bhanora Colliery at the time of nationalisation as the said company remained closed at that point of time. There is absolutely no evidence that the erstwhile Coal Company was remaining closed at the time of nationalisation. There is

also no allegation that the management have concealed those documents inspite of their obtaining possession of the same. There is also no evidence that at the time of determination of the age of the concerned workmen any such Form-B Register was produced. That being so, the only course available to the management was to get the age of the concerned workmen assessed by a properly constituted Age Determination Committee. According to the management such a step was taken and the doctor who examined the workmen constituted the Age Determination Committee. WW-1 in his cross-examination stated that he appeared before 3 or 4 persons sitting in a body, for his age assessment. He could not say how many of them were doctors. He further stated that when he appeared before the committee he was not asked any question, nor he was examined, but the W. Saheb told him that his age was 55 years.

8. Mr. Ghosh, learned Advocate for the management submitted that it amounts to admission that Jalil Mian appeared before the Age Determination Committee. Though the above statement of WW-1 Jalil Mian may raise some suspicion that the body before which he appeared formed the Age Determination Committee but there being no definite assertion in the matter, it is not possible for this Tribunal to hold that he appeared before the Age Assessment Committee. I have already stated that in the absence of any other reliable material to ascertain the proper age of its employees, the only course left open to the management is to refer the matter concerning the determination of age to the Age Determination Committee. That is the also admitted position.

9. From the evidence of the workman it is not clear whether he appeared before the Area Age Determination Committee. He further stated that he was merely asked to appear and he was neither interrogated, nor he was directed to produce any document in support of his age. The management's contention that he appeared before the Age Determination Committee was not proved by examination of any witnesses or production of evidence on their behalf. That being so, the union's contention that the age of Jalil Mian was not fixed by the Area Age Determination Committee has been proved. In that case, the management is required to assess the age of Jalil Mian by the Area Age Determination Committee.

10. Jalil Mian has produced certain documents in support of his age, which were denied by the management. These documents are the school certificate, voters list and family register. Apart from the fact that it is not possible for this Tribunal to understand the Hindi version of the age, alleged to have been recorded there, as no translated copy of the said papers are produced, the Tribunal also should not itself determine the age as that will not only amount to travelling beyond the scope of reference but also usurpation of the function of the properly constituted Area Age Determination Committee which is entrusted to do the same. The question of determination of age of Jalil Mian has accordingly got to be determined by the Area Age Determination Committee and that too within two months from the publication of the Award.

11. In so far as the other concerned workman, namely, Akbar Ali is concerned, there is absolutely no evidence in his favour to prove his case. The management's positive case is that the Area Age Determination Committee has ascertained the age and there being no denial that it was properly assessed by the said committee and there being no assertion that the said committee assessed the same improperly or illegally by referring to any positive oral or documentary evidence in support of the same that I am to hold that his age was properly recorded and no interference is called for in his case by this Tribunal.

12. In the result, the Area Age Determination Committee shall determine the age of Jalil Mian within two months from the publication of the Award upon consideration of all the relevant papers produced by Jalil Mian in support of the same and in accordance with law. If it is found that Jalil Mian's age was not properly assessed earlier and if it is found that he is entitled to render service for any longer period of time, the management shall be liable to compensate the said workman by payment of his usual wages from the date of his illegal superannuation from service till the extended date of his superannuation as fixed by the Area Age Determination Committee. In so far as Akbar Ali is concerned, he shall not be entitled to any relief in this case.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 11th March, 1998.

नई दिल्ली, 12 मई, 1998

का.आ. 1075—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधन के संबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-5-98 को प्राप्त हुआ था।

[संख्या एल-22012/166/95-आई आर (सी-II)]

लोली माऊ, डेस्क अधिकारी

New Delhi, the 12th May, 1998

S.O. 1075.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on the 6-5-1998.

[No. L-22012/166/95-IR(C-II)]

LOWLI MAO, Desk Officer



## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING  
OFFICER CENTRAL GOVERNMENT INDUS-  
TRIAL TRIBUNAL CUM LABOUR COURT,  
DEOKI PALACE ROAD, PANDU NAGAR,

## KANPUR

Industrial Dispute No. 115 of 1995

In the matter of dispute between :

State Secretary, F.C.I. Karamchari Sangh F.C.I.  
5-6 Habibullah State, Hazratganj, Lucknow

## AND

Senior Regional Manager  
F.C.I., 5-6 Habibullah State  
Hazratganj, Lucknow.

## APPEARANCE

Shri T. B. Singh for the workman

Shri S. K. Nigam for the Management

## AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-22012/166/95-JR (C-II) dated 10-10-1995 has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Food Corporation of India, Lucknow to impose punishment of stoppage of two annual increments of 1993 and 1994 with cumulative effect upon Shri B. N. Tiwari T.A. Gr. II, LKO is legal and justified ? If not, to what relief he is entitled ?”

2. Although in this reference, orders were reserved for recording finding on preliminary issue final award is being given as it has been decided to hold that enquiry was fairly and properly held and this Tribunal has no jurisdiction to go into the question quantum of punishment where the same is less than dismissal or removal from service.

3. The concerned workman B. N. Tiwari was working as TA Grade-II and was working as Quality Inspector at rice purchase centre, Daliganj, Lucknow. In respect of his misconduct he was issued a charge sheet dated 9-3-1987 which is annexed herewith. Shri A.A. Qazmi, Dy. Manager (General) was appointed Enquiry Officer. After completing enquiry he submitted his report on 27-9-1991. Agreeing with this report the opposite party has awarded punishment by way of stoppage of two annual increments of 1993 and 1994 with cumulative effect. Feeling aggrieved the concerned workman has raised the instant Industrial Dispute.

4. In the claim statement inter alia it has been alleged that the enquiry was not fairly and properly held. It was further alleged that enquiry officer was biased and the concerned workman was not given opportunity to inspect the records. Further the

charge was vague. On merits it was denied that the concerned workman is any hand in accepting sub-standard rice.

5. The opposite party in the written statement has alleged that the enquiry was fairly and properly held. No illegality was committed in the enquiry.

6. On the pleading of the parties following preliminary issue was performed :

“Whether the domestic enquiry conducted by the management was not fairly and properly ?”

A perusal of charge sheet would go to show that it is quite clear and does not suffer from any ambiguity. The Au. Reg. of the concerned workman also did not point out about vagueness in the claim statement. Hence this point is decided against the concerned workman.

7. No particulars of basis have been given in the claim statement further from the enquiry report I find that the enquiry officer has taken disproportionate view of the matter. Had he been under influence of the manager he would have outrightly recorded finding in favour of the management. He has found that charges proved on the basis of preponderance of probability. Hence I do not find any substance in this contention.

8. I also do not find any substance in the contention that papers were not supplied to the concerned workman during the course of enquiry. In any case no prejudice has been caused to the concerned workman.

9. Thus all the points raised on behalf of the concerned workman having been negatived, I come to the conclusion that enquiry was fairly and properly held.

10. As the punishment is less than dismissal or removal from service the proportionality of the punishment cannot be examined by this Tribunal.

11. In view of above discussion my award is that punishment awarded to the concerned workman is justified and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

## APPENDIX

THE FOOD CORPORATION OF INDIA  
REGIONAL OFFICE : LUCKNOW

## REGISTERED

[No. V. & S.4(284)RO. LKO/85/3204]

9th March, 1987

## MEMORANDUM

The undersigned proposes to hold an inquiry against Shri B. N. Tiwari, TA. Grade-II under Regulation 56 of the Food Corporation of India, Staff Regulation, 1971. The substance of the imputation of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is sent out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputation of misconduct or misbehaviour in



support of each articles of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexures-III) and IV).

Shri B. N. Tiwari, TA. Grade-II is directed to submit within 10 days of receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

Shri B. N. Tiwari, TA. Grade-II is further informed that he does not submit his written statement of defence on or before the date specified in para-2 above or does not appear in person before the inquiring Authority or otherwise fails or refuses to comply with the provisions of Regulation 56 of the F.C.I. (Staff) Regulation, 1971, or the orders/directions issued in pursuance of the said Regulation the Inquiring Authority may hold the inquiry against him Ex. Parte.

Attention of Shri B. N. Tiwari, TA. Grade-II is invited to Regulation 56 of the Food Corporation of India (Staff) Regulation, 1971 under which no employee shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matter pertaining to his service under the Corporation. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that Shri B. N. Tiwari TA. Grade-II aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Regulation 50 of the FCI Staff Regulation 1971.

The receipt of this Memorandum may be acknowledged.

Sd/-

Regional Manager, Disciplinary Authority

To.

Shri B. N. Tiwari, TA. Grade-II,  
Through : The District Manager,  
Food Corporation of India, Lucknow.  
Copy to :—

1. The Distt. Manager, F.C.I. Lucknow.
2. The Zonal Manager (N), FCI, New Delhi.
3. The Manager (Vig.), FCI, Headquarters, New Delhi.
4. The Enquiry Officer.
5. The Presenting Officer.

Sd/-

Regional Manager, Disciplinary Authority.

## ANNEXURE I

### STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SHRI B. N. TEWARI, TA GR.-II

#### ARTICLE-I

The said Shri B. N. Tewari, TA Gr.-II while posted and functioning as Quality Inspector at Rice Purchase Centre, Daliganj, Lucknow during 9-11-84 to 8-2-85 Kharif 1984-85 failed to maintain absolute integrity, devotion to duty, failed to serve the Organisation honestly and faithfully and acted in a manner which is unbecoming of a Corporation employee inasmuch as he accepted/taken over BRL Rice stocks from State Government and also in connivance with Tech. Asstt's posted at FSD, Denggakhari/Talkatora, Lucknow and get it accepted at the depot. During the course of surprise inspection by the Special Squad of Headquarters, New Delhi, samples were drawn from the stocks which were analysed at Regional Lab., FCI, Lucknow/Central Lab. Headquarters, New Delhi and the stocks was found BRL due to excessive percentage of broken and dehusk grains and thereby put the Organisation to suffer heavy financial losses to the Corporation.

Thus, the said Shri B. N. Tewari, TA Gr.-II has contravened Regulations 31 and 32 of FCI (Staff) Regulation, 1971.

Sd/-

Regional Manager, Disciplinary Authority.

RAJENDRA BHONWAL, I.A.S

Sr. Regional Manager,

Food Corporation of India,  
Lucknow.

## ANNEXURE—II

### STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF EACH ARTICLE OF CHARGE FRAMED AGAINST SHRI B. N. Tewari, TA Gr.-II.

#### ARTICLE—I

Said Shri B. N. Tewari, TA Gr.-II was posted and functioning as QI, Daliganj, Lucknow during Kharif 1984-85. Said B. N. Tewari, TA Gr.-II has accepted 45,846 bags 45,061 = 00 = 000 Qtls of rice stocks, out of which approximately 10.228 B/S = 10.228 = 00 = 000 were sent to FSD D. Khera, Lucknow rest to FSD, Talkatora, Lucknow for its storage.

During course of surprise inspection carried out by Special Squad, FCI, Headquarters, New Delhi on visual inspection the stocks stored at FSD, Denagakhara/Talkatora, Lucknow was found BRL due to excess percentage of damaged and dehusk grain. Thus, the samples from the stocks at FSD, Delagakhara/Talkatora, Lucknow were drawn.

Some of these samples were analysed in Regional Lab. Regional Office, Lucknow in presence of Headquarters Squad and remaining at Central Laboratory,

FCI, Head Quarters, New Delhi. Analysis results of both the Laboratories confirmed that Broken and dehusk grains were much on higher side so as to rendered the stocks BRL as much as ranging from 11.0 per cent to 41.0 per cent and 12.0 per cent to 84.9 per cent respectively.

From the facts stated above it is clear that the said Shri B. N. Tewari, TA Gr.-II has actually accepted 45,846 Bags = 45,061 = 00 = 000 Qtls. of BRL Rice stocks and managed to get it accepted at FSD, D. Khera/Talkatora Lucknow in connivance with Tech. Asstts. posted at both the depots with mala-fide intention and ulterior motives, and put the Corporations to suffer the heavy financial losses. Shri B. N. Tewari, TA Gr.-II has actually not conducted the proper analysis of the rice stocks at the time of acceptance of rice stocks and fictitious entries in the analysis were made without conducting the analysis to fill in gaps.

#### ANNEXURE—III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE IS PROPOSED TO BE SUSTAINED AGAINST SHRI B. N. TEWARI, TA GRADE-II.

1. Analysis Register for Purchase of Rice stocks at Daliganj, Lucknow centre in 1984-85.
2. Rice stocks Movt. Register purchased at Daliganj, Lucknow Centre in 1984-85.
3. Movt. Challans of rice stocks for 1984-85.
4. Stock-wise Register of Unit A, B, C, D and RGD of FSD, Talkatora, Lucknow for 1984-85.
5. Receipt Register of Unit A, B, C, D and RGD of FSD, Talkatora, Lucknow for 1984-85.
6. Daily Diary of Unit 'C' of FSD, Talkatora, Lucknow for 1984-85.
7. Analysis Register of Unit, A, B, C and RGD of FSD, Talkatora, Lucknow for 1984-85.
8. OTA Register of QC Staff of Unit A, B, C and RGD of FSD, Talkatora, Lucknow, for 1984-85.
9. Office Order Register of Asstt. Manager (QC), FSD, Talkatora, Lucknow for 1984-85.
10. Analysis Results of Regional Lab. R. O. Lucknow and Central Lab. FCI, Head Quarters, New Delhi.
11. Stockwise registers and receipt registers of Unit A, B, C and FSD, Darogakhara for 1984-85.
12. Analysis Register of FSD, Darogakhara for 1984-85.
13. Kharif Plan for the year 1984-85.

Sd./-

RAJENDRA BHONWAL, I.A.S.

Sr. Regional Manager, Food Corporation of India, Lucknow.

#### ANNEXURE

LIST OF WITNESS BY WHOM THE ARTICLE OF CHARGE IS PROPOSED TO BE SUSTAINED AGAINST SHRI B. N. TEWARI, TA Gr.-II

1. Shri S. D. Jaiswal, AM (D), FSD, Talkatora, Lucknow.
2. Shri Jitendra Bhushan, AM-QC, FCI, RO, Lucknow.
3. Shri Sushil Ahmed, TA, I FCI, RO, Lucknow.
4. Shri Shawkat Hussain, Dy. Manager (QC), FCI, HQ. New Delhi.
5. Shri Y. P. Sharma, AM (D), FSD, Sandila

Sd/-

RAJENDRA BHONWAL, I. A. S.

Sr. Regional Manager, Food Corporation of India, Lucknow.

Thus, the said Shri B. N. Tewari, T.A. Gr. II while posted as Quality Inspector Dahganj Lucknow for taking over of Rice stocks, failed to maintain absolute integrity, devotion to duty, failed to serve the Organisation honestly and faithfully and acted in a manner which is unbecoming of a Corporation employee and thereby contravened Regulations 31 and 32 of FCI (Staff) Regulation, 1971.

Sd./-

RAJENDRA BHONWAL, I. A. S.

Sr. Regional Manager, Food Corporation of India, Lucknow.

नई दिल्ली, 12 मई, 1998

का.आ.1076.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबंध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जवलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-5-98 को प्राप्त हुआ था।

[संख्या एल-22012/183/90-आर आई (सी-II)]

लौली माऊ, डैरक अधिकारी

New Delhi, the 12th May, 1998

S.O. 1076.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of W.C.L. and their workman, which was received by the Central Government on the 6-5-98.

[No. L-22012/183/90-IR(C-II)]  
LOWLI MAO, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय,

जबलपुर, म.प्र.

डी.एन. दीक्षित, पीठासीन अधिकारी

प्र.क्रं. सीजीआईटी/एलसी/आर/64/91

श्री नारायण प्रसाद श्रीवास्तव,

सुपुत्र श्री लालजी प्रसाद श्रीवास्तव,

“ए” टाईप नं. 13, पो. दमुआ,

जिला—छिन्दवाड़ा (म.प्र.)-480555

-- प्रार्थी

विरुद्ध

डिप्टी चीफ मार्टनिंग इंजीनियर,

दमुआ ग्रुप आफ वैस्टन कोलफील्ड लि.,

पो. दमुआ जिला छिन्दवाड़ा (म.प्र.) -- प्रतिप्रार्थी

अवार्ड

दिनांकित : 6-3-1998

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या एल-22012(183)/90-आई.आर. (सी-2) दिनांक 7-2-91 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है:—

अनुसूची

“Whether the action of Agent/Dy. CME., Damua Group of Western Coalfields Ltd., Kanhan Area, P.O. Damua, Distt. Chhindwara (M.P.) in dismissing Sri Narayan Prasad Shrivastava S/o Laljee Prasad Shrivastava, Ex-Shotfirer of Damua Colliery of WCL., P.O. Damua, Distt. Chhindwara w.e.f. 17-8-82 is justified? If not, to what relief the concerned workman is entitled to?”

2. श्रमिक नारायण प्रसाद श्रीवास्तव के अनुसार वह वर्ष 52 में मजदूर नियुक्त हुआ था और वर्ष 56 में पदोन्नत होकर साटफायरर हो गया। उसके विरुद्ध विभागीय जांच हुई तथा इस विभागीय जांच में उसे दोषी पाकर सेवानिवृत्त किया गया। आरोप-पत्र में कदाचरण का पूर्ण विवरण नहीं दिया गया है। ऐसी स्थिति में श्रमिक को अपने बचाव का पूर्ण अवसर नहीं मिला।

विभागीय जांच में नियमों का पालन नहीं किया गया और श्रमिक को अपने बचाव का उचित अवसर नहीं दिया गया। श्रमिक की बचाव साध्य की विवेचना जांच अधिकारी ने उचित प्रकार से नहीं की। प्रबंधन ने श्रमिक के विरुद्ध थाने में रिपोर्ट लिखाई थी, किन्तु पुलिस ने श्रमिक के विरुद्ध कोई कार्रवाही नहीं की। इस तथ्य से भी जांच अधिकारी के निष्कर्ष विवादास्पद हो जाते हैं। जांच अधिकारी के निष्कर्ष न्याय सिद्धान्तों के विपरीत है। श्रमिक चाहता है कि उसे पुनः सेवा में लिया जाये तथा वेतन और भत्तों का भुगतान किया जाये।

3. प्रबंधन के अनुसार श्रमिक वर्ष 1981 में दमुआ कालरी में साटफायरर था। श्रमिक ने डिटोनेटर और एक्स्प्लोसिव की चोरी की और बाहरी व्यक्ति को बेचा। श्रमिक के विरुद्ध विभागीय जांच हुई। विभागीय जांच में श्रमिक को कदाचरण का दोषी पाया गया तथा उसे सेवा से दिनांक 17-8-82 को मुक्त किया गया। श्रमिक ने गंभीर दुराचरण किया है तथा इसमें सेवा-निवृत्ति का दंड ही उचित दंड है।

4. इस न्यायालय ने दिनांक 20-9-95 को विभागीय जांच की वैधानिकता के संबंध में आदेश दिया था। इसमें यह पाया गया है कि श्रमिक के विरुद्ध जो आरोप लगाया गया था वह स्पष्ट तथा नियमों के अनुसार था। विभागीय जांच में सभी लेख श्रमिक को दिये गये हैं। जांच में प्रबंधन के गवाहों का पूर्ण प्रतिपरीक्षण श्रमिक द्वारा किया गया है। इस न्यायालय ने आदेश दिनांक 20-9-95 के द्वारा विभागीय जांच को नियमों के अनुसार और विधान के अनुसार पाया है।

5. विभागीय जांच में यह सिद्ध हो गया है कि श्रमिक ने दि. 11-1-81 को 123 डिटोनेटर राम किशोर आत्मज फगनिया को बेचे। यह रामकिशोर इन डिटोनेटर के साथ पकड़ा गया और उसने सूचित किया कि श्रमिक ने उसे ये डिटोनेटर बेचे। यह तथ्य विभागीय जांच में सिद्ध हो गया। श्रमिक ने कालरी की नौकरी में रहते हुए डिटोनेटर्स की चोरी की तथा इन्हें बेचा। ऐसी स्थिति में श्रमिक को जो दण्ड दिया या, वह कदाचरण के अनुरूप है।

6. माननीय उच्चतम न्यायालय ने क्रिश्चियन मैडिकल कालेज हास्पिटल एम्प्लॉईज यूनियन के प्रकरण में जो एआईआर-1988-सुप्रीम कोर्ट-पृष्ठ 37 में मुद्रित है, यह प्रतिपादित किया है कि धारा 11(ए) औद्योगिक विवाद अधिनियम, 1947 के अन्तर्गत औद्योगिक अधिकरण को उसी समय हस्तक्षेप करना चाहिये, जब यह स्थापित हो जाये कि प्रबंधन ने जो दण्ड श्रमिक को दिया है, वह कदाचरण के अनुपात में अत्यन्त कठोर है। इस न्याय सिद्धान्त के प्रकाश में वर्तमान प्रकरण में जो दण्ड श्रमिक को दिया गया, वह कदाचरण के अनुपात में उचित है। इस कारण प्रबंधन के द्वारा दिये गये दण्ड में हस्तक्षेप की आवश्यकता नहीं है।

7. अवार्ड दिया जाता है कि श्रमिक श्री नारायण प्रसाद श्रीवास्तव को दिया गया दण्ड उचित है एवं इसमें हस्तक्षेप की आवश्यकता नहीं है। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय वहन करें।

8. नियमानुसार अवार्ड की प्रतियां भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेषित की जाती हैं।

डी.एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 12 मई, 1998

का.आ.1077.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई, नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-5-98 को प्राप्त हुआ था।

[संख्या एल-22012/202/97-आई आर (सी-II)]

लोली माऊ, डेस्क अधिकारी

New Delhi, the 12th May, 1998

S.O. 1077.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai (No. 2) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of W.C.L. and their workman, which was received by the Central Government on the 6-5-98.

[No. L-22012/202/97-IR(C-II)]

LOWLI MAO, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/92 of 1997.

BETWEEN :

Employers in relation to the Management of W. C. Ltd.

AND

Their Workman.

APPEARANCES :

For the Employer : Mr. B.N. Prasad, Advocate.

For the Workmen : In Person.

Mumbai, dated 16th March, 1998

#### AWARD

The Government of India, Ministry of Labour by its Order No. L-22012/202/97-IR(C. II), dtd. 12-11-97 had referred to the following Industrial Dispute for adjudication.

“Whether the action of the management of Sub Area Manager, Rajur Sub Area of M/s. W.C.L., Tah : Wani Dist, Yavatmal, in dismissing Sh. Anil Ajabrao Lode, U/G Loader from the services is legal, justified and proper. Whether such extreme punishment is proportionate to the gravity of alleged unauthorised and habitual absence under model standing order ? If not, to what relief the workman is entitled and from which date what other directions are necessary in the matter ?”

2. The Desk Officer issued notices to the concerned parties. After receipt of the reference the Secretary of the Tribunal also issued notices to the concerned parties. They received the same.

3. On 23-3-98 the parties filed an application (Exhibit-4) at Mumbai contending that the workman Lode is already been taken back in employment by the employer as a result of amicable settlements between the parties. It is further submitted that under such circumstances it may be treated that the matter is compromised and the Award to that effect may be passed. It was signed by the worker, President of the Union and on behalf of the management.

4. Today at Nagpur the matter was for as certaining the compromises. The workman is present. He accepts that he is appointed and has signed the compromise (Exhibit-4). Under such circumstances I pass the following order :

#### ORDER

The reference is disposed off as compromised.

S. B. PANSE, Presiding Officer

नई दिल्ली, 12 मई, 1998

का.आ. 1078.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद, नं. 2, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-5-98 को प्राप्त हुआ था।

[संख्या एल-22012/208/97-आई आर (सी-II)]

लोली माऊ, डेस्क अधिकारी

New Delhi, the 12th May, 1998

S.O. 1078.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad, No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on the 6-5-98.

[No. L-22012/208/97-IR(C-II)]

LOWLI MAO, Desk Officer

### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-II,  
AT HYDERABAD

PRESENT :

Shri M. E. N. Patrudu, B. Com., B. L.,  
Chairman.

Dated : 4th February, 1998

I.D. No. 13 of 1997

BETWEEN :

The Regional Secretary,  
SCEU (CITU),  
Qr. No. D-948,  
Ram Mandir Main Road,  
Near New Market, Godavarikhani,  
Karimnagar Dist.-505209. . .Petitioner

AND

The General Manager,  
RG-II Area,  
M/s. SCCL., Godavarikhani,  
Karimnagar Dist.-505209. . .Respondent

APPEARANCES :

Petitioner being called absent.

Sri J. Pardhasarathy, Advocate for the  
Respondent.

### AWARD

1. The Government of India referred the dispute between the Regional Secretary, SCEU (CITU), Qr. No. D-948, Rammandir Main Road, Near New Market, Godavarikhani, Karimnagar District hereafter referred as Petitioner and the General Manager, RG-II, Area, M/s. SCCL., Godavarikhani, Karimnagar District hereafter referred as Respondent.

2. The Dispute is with regard to :

“Whether the action of the management of M/s. SCCL in not promoting Sh. K. Mondaiah and S. Rajam, General Maz-

doors (Surface) CIK 11 A Incline as Security Guards despite their acting in the said posts i.e., Security Guards in Security & Protection (S. & PC) Department on RG-II Area from 5-6-1992 to till date is legal and Justified?

If not, to what relief the workmen are entitled to ?”

3. The reference is received on 21-11-97 and on the same day the case is registered and notices are issued to both sides to appear on 15-12-97. Both parties received notices but no one appeared on 15-12-97. As such fresh notices are ordered and Managing Director of the respondent is informed through separate Court Proceedings and the case is adjourned to 30-12-97. Both parties called absent on 30-12-97 also. During call work there is no representation. But later Sri J. Partha sarathy appeared for respondent and no one appeared for petitioner. The matter is adjourned to 9-1-98. Petitioner is again absent, but respondent is represented. The case is adjourned to 21-1-98 but no representation by petitioner. Hence fresh notice is issued by R.P.A.D. and case is adjourned to 4-2-98. The Registered Post Notice is served on petitioner but he did not choose to appear on 4-2-98 also. The respondent representative is present. The matter is kept aside till 5.00 P.M. and again called. No representation by petitioner.

4. Hence this Nil Award is passed today. The Tribunal has given sufficient opportunity to petitioner to represent their case. In spite of several adjournments the petitioner did not attend the Tribunal. The record reveals that Court notices are served on petitioner, yet they choose to ignore the cause. Respondent is attending the Tribunal.

5. In the result the ‘Nil Award’ is passed.

Written by me and given under my hand and the Seal of this Tribunal on this the 4th day of February, 1998.

### APPENDIX OF EVIDENCE

No oral or documentary evidence has been adduced on either side.

M.E.N. PATRUDU, Chairman

नई दिल्ली, 12 मई, 1998

का.आ. 1079.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई, नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-98 को प्राप्त हुआ था।

[संख्या एल-22012/345/93-आर आर (सी-2)]

लोखी माऊ, डेस्क अधिकारी

New Delhi, the 12th May, 1998

S.O. 1079.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai, No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of W.C.L., and their workman, which was received by the Central Government on the 12-5-1998.

[No. L-22012/345/93-IR(C-II)]

LOWLI MAO, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/3 of 1994

Employers in relation to the Management of  
Western Coal Fields Ltd.

AND

Their Workmen.

APPEARANCES :

For the Employer : Mr. G. S. Kapur,  
Advocate.

For the Workmen : Mr. B. S. Ishwarkar,  
Advocate.

Mumbai, dated 25th March, 1998

#### AWARD—PART-II

On 13-11-97, by Part-I Award I came to the conclusion that the domestic inquiry which was held against the workman is against the Principles of Natural Justice. It was only on the basis that the inquiry report was not given to the delinquent before bearing his say. So far as the findings of the inquiry officer are concerned I came to the conclusion that they are not perverse. So far as Issue No. 2A is concerned I have observed that it is to be answered at the time of Part-II.

2. The parties were allowed to lead evidence in the matter. The management filed a purshis (Exhibit-47) that they do not want to lead any evidence. So is the case of the worker. He informed the Tribunal that he also does not want to lead any evidence (Exhibit-48).

3. The facts giving rise to present dispute is that Sopan Linga Swami, the workman was employed as a loader at Nakoda Incline. On 13-2-92 the charge-sheet was served upon him stating that

he remained absent frequently without any information or a permission of the competent authority in the year 1991. He replied the same. The explanation which was given by the workman was found unsatisfactory. It is therefore a domestic inquiry was held against him.

4. Now the issues that fall for my consideration and my findings there on are as follows :

Issues	Findings
2. Whether the charges levelled against the workman are proved to the satisfaction of the Tribunal by acceptable evidence ?	Yes
3. Whether the action of the management in terminating the services of the worker Swami is justified ?	No, the punishment is disproportionate
4. If not, to what relief the worker is entitled to ?	As per order below.

#### REASONS

5. The copy of the findings of the inquiry officer was given to the workman alongwith the documents which was filed by the management at Exhibit-9. The Learned advocate for the workman while arguing the matter tried to submit that the evidence which was lead before the inquiry officer cannot be said to be proved referring to provisions of the Evidence Act. Under such circumstances it is submitted that it cannot be relied. It is further alleged that the documents are forged one and the bonus register is not sufficient to prove the charges. All these contentions were denied by the management.

6. From the submissions made before me it does not reveal how the non-supply of the inquiry report to the workman has prejudiced him. It can be further seen that after hearing the argument I find that the inquiry officer had rightly relied upon the documents which were submitted before him. It is needless to say that the Evidence Act is not applicable to the domestic inquiry. The proof required in a domestic inquiry is quiet different than that of criminal trial. In a domestic inquiry it is to be seen whether the charge is proved on the preponderance of probabilities. Taking into consideration all these facts I find that the inquiry officer had rightly appreciated the evidence before him and came to the cogent conclusions.

7. Parekar had categorically stated that how many days the workman was absent in the year 1991. He attended the mines only for 73 days. He remained absent frequently without obtaining necessary permission from the Competent Authority nor he informed the officers before proceeding on leave. The Bonus register supports the case of the management. There is no reason to disbelieve the contents of the bonus register. The

evidence which is on the record namely before the inquiry officer is sufficient to prove the charges which were levelled against the workman. I accept it.

8. It is argued on behalf of the workman that the workman is a sports-man. He had won prizes for his zone. While awarding the punishment the management had not taken into consideration this aspect. On the other hand it is submitted on behalf of the management that the workman was in a position to attend the sports activities but he was not attending the mine and that affected the work. Under such circumstances no lenient view should be taken into the matter. While making submission it revealed that in a meeting which took place between the management and the unions it was decided that the service of the employees which were terminated on account of absenteeism prior to a particular year are to be reconsidered. Taking into consideration this aspect I think that the punishment which was awarded to the workman is disproportionate to the charges proved. No doubt due to the absenteeism the work of the mine is likely to be affected. But for that the workman could have been punished by way of monetary punishment. If the worker is not allowed to have any wages from the date of his dismissal till his reinstatement it will meet the needs of justice. I also find that it will give a lesson to him for not remaining absent in future without obtaining proper permission. In the result I record my findings on the issues accordingly and pass the following order :

#### ORDER

1. The action of the Manager, Nakoda Incline, Distt. Chandrapur, vide letter dtd. 26-10-92 in terminating the service of Shri Sopan Linga Swami, Ex-loader is not justified.
2. The management is directed to reinstate the workman.
3. The workman Sopan Linga Swami is not entitled to any monetary relief and other service benefits from the date of dismissal till his reinstatement. The workman is treated to be in continuous service.

S. B. PANSE, Presiding Officer

नई दिल्ली, 12 मई, 1998

का.आ.1080—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-5-98 को प्राप्त हुआ था।

[संख्या एल-22012/402/एफ/93-आईआर(सी-II)]

लोली माऊ, डैस्क अधिकारी

New Delhi, the 12th May, 1998

S.O. 1080.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on the 6-5-1998.

[No. L-22012/402/F/93-IR (C-II)]

LOWLI MAO, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2) AT  
DHANBAD

#### PRESENT :

Shri B. B. Chatterjee, Presiding Officer.  
In the matter of an Industrial Dispute under  
Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 18 of 1994

#### PARTIES :

Employers in relation to the management of  
F.C.I., Patna and their workmen.

#### APPEARANCES :

On behalf of the workmen : Shri V. Kumar,  
State Joint Secretary, FCI Executive Staff  
Union.

On behalf of the employers : Shri S. R.  
Sharma D.M.

STATE : Bihar

INDUSTRY : Food

Dated, Dhanbad, the 16th March, 1998

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal vide their Order No. L-22012/402/F/93-I.R.(C-II). dated, the 16th March, 1994.

#### SCHEDULE

"Whether the action of the management of F.C.I., Patna in not regularising the services of workman Smt. Meena Devi in Class IV post and denying payment of wages and all other benefits of regular Class IV was legal and justified? If not, to what relief the concerned workman is entitled for?"

2. The high light of the back ground giving rise to the present reference case may be stated as follows :—

The concerned workman Meena Devi was employed by the management in January, 1981 in subordinate cadre for the purpose of performing of duties of Class IV workman and since then she has been performing such duties at A.R.D.C. Bhagalpur to the satisfaction of her superiors and also under direct control and supervision of the employer. Like that of Meena Devi a huge number of casual workers were employed in the F.C.I. throughout the country. The staff union created pressure for regularisation of those casual workers and ultimately a decision was taken by the headquarters for regularisation of the services of all casual workmen as per guideline as contained in a Circular dated 6-5-87 under which the workmen who had completed at least 90 days of service on or before 2-5-86 were decided to be regularised according to their qualification in Class III and IV posts. The requisite qualification for Class IV post other than Sweeper was 7th pass whereas for appointment of Sweeper no qualification was prescribed and those who can read and write would be eligible for appointment as Sweeper. The names of the concerned workmen were forwarded by the Regional Management to the headquarter and the headquarters management was pleased to accord approval for appointment of those workmen including, Meena Devi. But due to the mistake of the lower management the case of the concerned workman Meena Devi was not considered for which she has been still serving as casual worker by getting meagre wages whereas the other workmen of similar category are being paid around Rs. 3500 per month as wages in addition to the leave, medical, LTC etc. by way of regularisation of their services and in this way the workmen who were junior to the concerned workman Meena Devi were absorbed against permanent post and Class IV category. That being the position the concerned workman is entitled to get the wages as well as other benefits of regular Class IV workmen from January, 1981 as she has been performing duties of similar nature like that of Class IV workmen at Bhagalpur. The management has regularised the services of at least 3 persons in the month of March, 1994 who were retrenched from services and were junior to the concerned workman Meena Devi, but her case has not been

considered by the management. In view of the decision of the headquarters, although the concerned workman has completed 90 days of service on or before 2-5-86 she is entitled to be regularised and that there is also vacancy in Class IV post for which an industrial dispute was raised by the union with the demand for regularisation of the services of Meena Devi as Class IV worker of the management with full wages of such category of workman along with other benefits. The dispute having been referred to this Tribunal by the Labour Ministry, Govt. of India the present reference case has been registered. Hence the reference case.

3. The management opposed the demand of the union by filing a W.S.-cum-rejoinder wherein the management has challenged the maintainability of the present reference case, but without disputing the fact of rendering the services by Meena Devi as casual labour. The management has, however, disputed that the services rendered by Meena Devi are like that of Class IV employees and also made out a case that a ban was imposed for selection and recruitment of new persons to fill up permanent vacancies in all categories of employees for a certain period prior to 1987 and with a view to carry on day to day work some workmen were engaged as casual employees against permanent and regular vacant post but subject to the condition that they would be stopped from their duties since after appointment of regular employees and in this way it so happened that several persons were engaged as casual employees. In that process at different F.S.D. of the Corporation and as it was felt necessary to stop such practice a circular dt. 6-5-87 was issued by the management relaxing the ban of recruitment of fresh hands to fill up the permanent posts. The management regularised the casual employees engaged against permanent vacant posts who were carrying on regular job of certain specified categories of Class IV employees but so far Meena Devi is concerned she was not appointed against any permanent post on regular Class IV employees. She was also not performing the job of Class IV of regular basis for which her case was not falling within the ambit of the circular dt. 6-5-87. She was thus not entitled to the benefit of regularisation as Class IV permanent employee, in addition the concerned workman Meena Devi was not performing the duties of Class IV employees rather she was engaged to carry on casual job as and when available such as collection of food-grains from the grounds during loading of food-grains, the work of fumigation and so on. The casual labourers were used to be engaged for such type of casual job as and when available. There is neither any provision nor any scope for regularisation of the services of such type of casual worker and as such the demand of the sponsoring union for regularisation of the services of the concerned workman Smt. Meena Devi as Class IV employees



was neither reasonable nor justified for which the management refused to consider her case. The concerned workman Smt. Meena Devi is therefore not entitled to any relief.

4. In the rejoinder the management has denied the contents of different paras and the claim of the sponsoring union to the effect that Smt. Meena Devi was employed in the subordinate cadre to perform the duties of Class IV workmen under the management. The management while denying the contents of para-6 of the W.S. submitted on the side of the workman has made out a case that the management sent the particulars of the casual employees and casual labourers to the competent authorities for taking suitable action and there was no mistake on the part of the lower management in ignoring the case of the concerned workman Meena Devi. The management has denied the contents of para-8 to the effect that the workers who were junior to Meena Devi were regularised and that there was discrimination in her case. Similarly the management has also denied the contents of para-9 to the effect that the management is a model employer in all respect and that the circular dt. 6-5-87 was issued to relax the ban issued and thereby to regularise all casual employees and workers. It has been denied by the management the existence of Class IV post at Bhagalpur as mentioned in para-II of the W.S. of the union and ultimately the management in the concluding part of their W.S.-cum-rejoinder has prayed for passing an Award by holding that the concerned lady is not entitled to any relief.

5. Both the parties have adduced oral as well as documentary evidence in support of their respective cases. The management has examined two witnesses on its side namely Shri K. C. Biswas, Asstt. Manager of Ex-Bhagalpur Phase I as MW-1 and Prabhat Ranjan Sahay working as Asstt. Grade-II under the management as MW-2. On the other hand only one witness has been examined on the side of the workman. The witness is Rameshwar Ram who is also an employee of A.R.D.C. Phase I Bhagalpur depot. In addition, the management has produced certain documents such as bill for casual labourers Ext. M-1, monthly bill for the casual workers vide Ext. M-2 and letter dt. 6-5-87 vide Ext. M-3. The documents on the side of the workmen are a certificate dt. 3-1-91 vide Ext. W-1, letter dt. 5-5-90 vide Ext. W-2, photo copy of Acquittance roll vide Ext. W-3 photo copy of monthly bill of the casual vide Ext. W-4, photo copy of the Attendance Register vide Ext. W-5, a certificate vide Ext. W-6 and another letter dt. 13-11-88 vide Ext. W-7 office order dt. 22-7-88 vide Ext. W-8, a letter dt. 11-3-94 vide Ext. W-9, Memorandum of settlement dt. 27-6-94 vide Ext. W-10 and other such documents W-11 to W-13.

6. The point for considerations are (1) whether the present reference in its present form etc. is legally maintainable and secondly whether the con-

cerned workman Smt. Meena Devi is entitled to the relief prayed for by way of regularisation to her service as Class IV employee under the management with retrospective effect as demanded by their sponsoring union in the W.S. of the concerned workman.

## DECISIONS AND REASONS

### Point No. 1

7. The management though challenged the legality and maintainability of the reference case in the W.S.-cum-rejoinder filed by it, learned representative representing the management abstained from pressing that point during hearing of the reference and I also find nothing on perusal of the papers to come to a conclusion that the present reference in its form is not legally maintainable. I, therefore, hold that the present reference case is quite maintainable. Point No. 1 is thus decided in favour of the workman and against the management.

### Point No. 2

8. I have already stated that the parties in supporting of their respective claims have adduced oral as well as documentary evidence. Before I enter into the discussion of evidentiary value of oral and documentary evidence of respective parties it may be mentioned here that so far the performance or working of the concerned workman under the management at Bhagalpur is concerned there is no dispute. The only fact that has been disputed is that Smt. Meena Devi was never employed as casual employee against any permanent vacancy of Class IV staff under the FCI and she never performed the duties of Class IV staff like watchman, stitcher etc. which are permanent nature of job rather the services of Smt. Meena Devi was utilised by the management of Bhagalpur as and when necessary for few hours in a working day on payment of full wages under the Minimum Wages Act like that of a daily labour for which the question of regularisation of her services as Class IV employee with retrospective effect or the question of payment and extending all other benefits with retrospective effect from 1981 cannot arise. The management for the purpose of proving their contention has adduced oral evidence by examining Shri K. C. Biswas, Asstt. Manager of Ex-Bhagalpur Phase I who during his examination has stated about the nature of duties of Class IV staff and the nature of services rendered by Smt. Meena Devi as casual worker. During his cross-examination the witness has gone so far to state that although Smt. Meena Devi was retrenched she continued working forcibly. During his cross-examination the witness admitted that the management at Bhagalpur recommended the case of some casual workers to the headquarters but the witness failed to recollect if any such recommendation, representation or the name of the concerned workman Meena Devi was there. Almost similar is the evidence of

MW-2 who has deposed in support of the contents of the W.S.-cum-rejoinder filed on the side of the management and in doing so he has disclosed the particulars as to the nature of services rendered by the concerned workman as casual worker for which she was paid wages under Minimum Wages Act. Both these witnesses stood cross-examined at length at the side of the workmen but in fact nothing came out from the lips of those witnesses during such cross-examination to impeach their creditability. On the other hand one witness has been examined on the side of the workman who is Rameshwar Ram, an employee of the management attached to ARDC Phase-I Bhagalpur depot from 1987 to July, 1982. During his examination the witness has stated that Smt. Meena Devi was also working in the same depot. The witness has proved photo copy of the attendance Register for the purpose of showing that the concerned workman in the depot worked on all working days and the nature of duties performed by her was like that of Watchman, Sweeper etc., and ultimately the witness has made attempt during such examination to prove as if Smt. Meena Devi was performing her duties there at Bhagalpur at ARDC Phase I as Class IV employees which is not even the case of the concerned workman in the W.S. The only evidence thus adduced on the side of the concerned workman is not at all sufficient to prove that in fact Smt. Meena Devi, the concerned workman was ever appointed even as casual employee against any Class IV permanent vacancy. The documentary evidences are also not sufficient to substantiate the claim for regularisation of the services of Smt. Meena Devi. It is true that by a circular dt. 6-5-87 the services of a number of casual employees have been regularised but the intention of the management in issuing such a circular, on careful perusal it shows that it was in fact not intended that casual workers and casual employees ignoring those whose services were utilised occasionally for few hours in a particular working day if and when necessary to be regularised rather careful perusal of the circular will shows that in fact the management intended to regularise the services of only those casual employees who were absorbed as such employees but against permanent vacancy and that too because of the ban in filling up those posts by way of recruitment. There is nothing in the evidence both oral as well as documentary to show if the concerned workman Smt. Meena Devi was appointed in the year 1981 as casual employee by the management against any permanent Class IV vacancy. That being the position a mere certificate like Ext. W-1 or acquittance rolls like Ext. W-3 cannot be treated to be sufficient to show that the concerned workman Smt. Meena Devi was appointed against any permanent vacancy of Class IV staff but as a casual employee. In that view of the matter and in view of what I have stated above as well as the evidence on record both oral and documentary it cannot be said that the concerned workman Smt. Meena Devi is entitled to the relief as prayed for in the W.S. by order with

full back wages with retrospective effect from 1981. The conclusion that can be arrived at is that the management of FCI Patna committed no wrong in not regularising the services of the concerned workman in Class IV post and its denial for payment of wages and other benefits to the concerned workman Meena Devi like that of Class IV staff was neither illegal nor unjustified. The concerned workman is in fact not entitled to the relief as prayed for. The point is thus decided in favour of the management but against the concerned workman Smt. Meena Devi.

This is my Award.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 12 मई, 1998

का.आ. 1081.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.सी.एल. के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण राउरकेला के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-98 को प्राप्त हुआ था।

[संख्या एल-22012/562/94-आई आर (सी-II)]

लोली माऊ, डेस्क अधिकारी

New Delhi, the 12th May, 1998

S.O. 1081.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Rourkela as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M.C.L. and their workman, which was received by the Central Government on the 12-5-1998.

[No. L-22012/562/94-IR(C-II)]

LOWLI MAO, Desk Officer

ANNEXURE

IN THE COURT OF THE PRESIDING  
OFFICER : INDUSTRIAL TRIBUNAL :  
ROURKELA

Industrial Dispute No. 80/97 (C)

Dated the 16th March, 1998

PRESENT :

Shri R. N. Biswal, LL.M.  
(O.S.J.S. Sr. Branch),  
Presiding Officer,  
Industrial Tribunal,  
Rourkela.

## BETWEEN

The General Manager,  
Orient Area,  
Mahanadi Coal Fields Ltd.,  
PO : Brajarajnagar,  
Distt. : Jharsuguda

.. Ist party

## AND

The Joint Secretary,  
Brajarajnagar Coal Mines  
Workers Union (AITUC),  
At|PO : Limtibahal,  
Via : Brajarajnagar,

Dist. : Jharsuguda

.. IInd party

## APPEARANCE :

For the Ist party....None

For the IInd party....None

## AWARD

The Government of India in Ministry of Labour Department in exercise of their power conferred under clause (d) of sub-section (1) and sub-section 2(a) of section 10 of the Industrial Dispute Act, 1947 have referred the following dispute vide reference No. L-22012/562/94-IR(C-II) dated 13-6-95 for adjudication.

“Whether the action of the management of Mine No. 2 Orient Area, Mahanadi Coal Fields Limited (earstwhile Name South Eastern Coal Fields Ltd.), PO : Brajarajnagar Dist : Jharsuguda terminating the services of Shri Biram Khadia in the month of November, 1990 was justified ? If not, what relief the workman is entitled to ?”.

2. The case was fixed on 10-3-98 for appearance of the parties for hearing. Since neither of the parties appeared before the Tribunal on the date, it can be presumed that, at present there is no dispute between them or they have amicably

settled the dispute out side the Court in the mean time. Accordingly No Dispute Award is passed.

R. N. BISWAL, Presiding Officer

नई दिल्ली, 12 मई, 1998

का.आ. 1082.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी. डब्ल्यू.डी., नई दिल्ली के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-98 को प्राप्त हुआ था।

[सं. एल-42012/68/91-डो. 2(बी)]

के.वी.बी. उम्गी, डेस्क अधिकारी

New Delhi, the 12th May, 1998

S.O. 1082.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of C.P.W.D., New Delhi and their workman, which was received by the Central Government on the 12-5-98.

[No. L-42012/68/91-D. 2(B)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRE-  
SIDING OFFICER : CENTRAL GOVT.

INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 11/92

In the matter of dispute between :

Shri Chothmal Sharma S/o  
Sh. Hanuman Prasad,  
C/o Ramesh Master,  
Village Khas Khazuri, Post Gokalpuri,  
Delhi-110094.

## Versus

1. Union of India,  
The Ministry of Works & Housing,  
Nirman Bhavan, New Delhi.
2. The Executive Engineer,  
Construction Division-II,  
C.P.W.D., I.P. Bhavan, New Delhi.
3. The Assistant Engineer,  
Construction Division-II/AE-IV,  
M.S.O. Building C.P.W.D. Enquiry  
(Civil)  
Pandara Park, New Delhi.

## APPEARANCES :

None for the workman.

Shri M. K. Sharma and Sh. Anil Sehgal for  
the Management.

## AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/68/91-D-2(B) dated 19-12-91/5-1-92 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether Sh. Chothmal Sharma was the workman of CPWD, New Delhi? If so, whether the action of the management of CPWD, New Delhi in terminating the services of Shri Chothmal Sharma w.e.f. 31-7-90 is justified? If not, what relief he is entitled to?”

2. The workman in his statement of claim alleged that he was appointed as Carpenter w.e.f. 21-6-86 and his last salary was Rs. 1050/- PM. The workman many times demanded the legal facilities from the management during the course of his employment and permanent status in the management organisation. In spite of his assurances given by the management he was not given facilities and they decided to get rid off him. His services were terminated on 31-7-90 without any justification. His termination was illegal, mala fide and against principles of natural justice. He has prayed that he be reinstated with full back wages and continuity of service.

3. The Management in its written statement alleged that the workman was working as a contractor and not as an employee of the management and he has executed a short term agreement on prescribed forms for performing his duties as a contractor. He was not employee of the management and, therefore, question of his reinstatement did not arise.

4. The Management examined Shri G. S. Lakhari as its witness but the workman did not appear as a witness.

5. I have heard representative for the management and have gone through the record. The evidence of Shri G. S. Lakhari Executive Engineer who appeared as MW1 has gone unchallenged and he was not at all cross-examined by the workman or his representative through opportunity was given. The workman himself did not appear as a witness to substantiate what he has alleged in the statement of claim. There is, thus no evidence to contradict the sworn testimony of the management witness who is responsible officer of the management. The workman has not cared to come to the witness box. Statement of Shri G. S. Lakhari in this case establishes that the workman was a contractor as alleged by the management in its written statement. I am, therefore, of the considered opinion that the workman was not employee of the management and as such was not entitled to any relief. The action of the management was, therefore, justified. Parties are left to bear their own costs.

6th May, 1998

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 12 मई, 1998

का.आ. 1083—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमण में, केन्द्रीय सरकार एकजीक्यूटिव इंजीनियर सी.पी. डब्ल्यू.डी., नई दिल्ली के प्रबंधक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद

में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-98 को प्राप्त हुआ था।

[सं. एन-42012/107/93-आई आर (डीयू)]  
के.वी.बी. उण्णी, डैम्क अधिकारी

New Delhi, the 12th May, 1998

S.O. 1083.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947). the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Executive Engineer, C.P.W.D., New Delhi and their workman, which was received by the Central Government on 12-5-98.

[No. L-42012/107/93-IR(DU)]

K. V. B. UNNY. Desk Officer

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 107/94

In the matter of dispute between :

Shri Raj Kumar John

Through The Regional Secretary,  
All India CPWD Employees Union,  
Lodhi Colony Enquiry Office,  
CPWD. New Delhi-110003.

Versus

The Executive Engineer,  
CPWD, Divn. 'D', Kidwai Nagar,  
New Delhi,-110023.

#### APPEARANCES :

Shri Vinod Kumar for the workman.

None for the Management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/107/93-I.R. (DU) dated 3-10-94 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the Executive Engineer, CPWD, 'D' Division, Kidwai Nagar, New Delhi, in terminating the services of Shri Raj Kumar John, Beldar w.e.f. 26-3-1986 is proper, legal and justified ? If not, to what relief the workman concerned is entitled to ?”

2. The workman in his statement of claim has alleged that he was employed as a beldar on muster roll by the management on 10-11-81 and continued to work till 26-2-86. Due to sickness of his father he could not attend to his duty and remained absent. His father expired on 11-12-87 and when he reported for duty he was not taken in the employment by the management. Neither any notice was given to the workman nor any compensation was paid to him. His termination was in violation of the principles of natural justice and illegal.

3. Notice of the reference was sent to the management and the management in its written statement replied to para 3 to 6 stating that it was a matter of record. It was also alleged that the workman never appeared for joining the duty for such a long time. It has been finally urged that the workman does not deserve to be reinstated with back wages.

4. After filing the written statement the management did not appear though it was directed many times of file documents. It was ordered to be proceeded against exparte.

5. The workman in his ex parte evidencee treated what he had alleged in the statement of claim and had appeared as his own witness.

6. I have heard representative for the workman and have gone through the record. From the record it is clear that the workman had worked with the management but had absented himself without taking any leave from the management. It was the case of absence from duty without any justification and the workman has not intimated the management at any stage of his absence as to why he has absented and when he would report for duty. The management has been proceeded against ex parte and has not been able to lead evidence by which it could justify its action but the workman has also to show that his absence was justified and on which date he reported thereafter for duty. He has mentioned no date of reporting for duty in his statement of claim and if he had gone due to sickness of his father it was his duty to inform the management about his absence from duty. The workman was not within his right to absent himself from duty at any time and then coming at any time for duty. A perusal of the entire evidence on record and documents show that the workman was absenting himself from duty for a pretty long time for which there is no justification and there was no ground to reinstate him in the employment with back wages and continuity of service. The action of the management in this case was justified. Parties shall bear their own costs.

6th May. 98

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 12 मई, 1998

का.शा. 1084.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में केन्द्रीय सरकार में, इंडियन आयल कॉर्पोरेशन लि० के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में

गिरिष्ठा औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-98 को प्राप्त हुआ था।

[सं. एन-30012/38/88-डी-III बी/आई एन (सी-1)].

अजय कुमार, अनुवाह अधिकारी

New Delhi, the 12th May, 1998

S.O. 1084.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Indian Oil Corpn. Ltd. and their workman, which was received by the Central Government on 12-5-98.

[No. L-30012/38/88-D. IIB/IR (C-I)]

AJAY KUMAR, Section Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMILNADU, CHENNAI

Thursday, the 23rd April, 1998

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L.,  
Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 17 OF 1989

(In the matter of dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the management of Thiru Manuel Correya, Contractor of Indian Oil Corporation, Madras).

BETWEEN :

Thiru G. Sekhar,  
No. 12, Durgadevi Nagar,  
II Street, Tondiarpet,  
Chennai-600081.

## AND

## AWARD

Thiru Manuel Correya,  
Contractor of Indian Oil Corporation,  
683, Thiruvottiyur High Road,  
Tondiarpet, Chennai-600081.

This is a reference made by the Government of India, for the adjudication of the following issue :

## REFERENCE :

Order No. L-30012/38/88-D. III(B), dt.  
6-2-1989 of the Ministry of Labour,  
Government of India, New Delhi.

This dispute after restoration, coming on this day for final disposal in the presence of Thiru A. R. Jagadeesan, advocate appearing for the Management upon perusing the reference and other connected papers on record and the workman being absent, this Tribunal made the following

“Whether the action of the management of Shri Manuel Correya, Contractor of Indian Oil Corporation, Madras in terminating the services of Shri G. Sekhar, ex-welder with effect from 13-12-1987 is justified ? If not, what relief is the workman entitled to ?

Petitioner absent. No representation.

Dismissed for definite.

Dated, this 23rd April, 1998.

S. ASHOK KUMAR, Industrial Tribunal

